



COUNTY OF HUMBOLDT

AGENDA ITEM NO.  
**C-40**

For the meeting of: June 28, 2016

Date: June 8, 2016  
To: Board of Supervisors  
From: Michael T. Downey, Sheriff  
Subject: Approval of Memorandum of Understanding Between Humboldt Del Norte County Long Term Care Ombudsman Program and Humboldt County Sheriff for Coordination of Services Regarding Investigations of Suspected Elder and Dependent Adult Abuse in Long-Term Facilities

RECOMMENDATION(S):

That the Board of Supervisors:

- 1. Approval of Memorandum of Understanding (MOU) Between Humboldt Del Norte County Long Term Care Ombudsman Program (LTCO) and Humboldt County Sheriff for Coordination of Services Regarding Investigations of Suspected Elder and Dependent Adult Abuse in Long-Term Facilities (Attachment 1); and
- 2. Authorize the Humboldt County Sheriff to execute two (2) originals of the MOU for Services.

SOURCE OF FUNDING: None

Prepared by *Norma S Lorenzo*  
Norma S Lorenzo, Deputy Director Admin

CAO Approval *Cheryl Dillingham*

REVIEW:  
Auditor \_\_\_\_\_ County Counsel *NAD* Human Resources \_\_\_\_\_ Other \_\_\_\_\_

TYPE OF ITEM:  
 Consent  
 Departmental  
 Public Hearing  
 Other \_\_\_\_\_

PREVIOUS ACTION/REFERRAL:

Board Order No. \_\_\_\_\_

Meeting of: \_\_\_\_\_

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT**

Upon motion of Supervisor *Sundberg*  
Seconded by Supervisor *Bass*  
Ayes *Sundberg, Fennell, Lovelace, Bohn, Bass*  
Nays \_\_\_\_\_  
Abstain \_\_\_\_\_  
Absent \_\_\_\_\_

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: *June 28, 2016*

By: *Kathy Hayes*  
Kathy Hayes, Clerk of the Board

## DISCUSSION:

The Elder Abuse and Dependent Adult Civil Protection Act, California Welfare and Institutions (W&I) Code section 15630 et seq., establishes statutory requirements for mandated reporters to report suspected elder abuse in long-term care (LTC) facilities to local law enforcement agencies as defined in W&I Code section 15610.45. Under W&I Code section 15630, mandated reporters of suspected elder and dependent adult physical abuse must report physical abuse occurring in LTC facilities by telephone to Humboldt County Sheriff's Office (HCSO) and in writing to the local Long Term Care Ombudsman Program (LTCO), the HCSO, and the appropriate licensing agency.

The following responsibilities confirm the agreement between LTCO and HCSO to coordinate services to residents of licensed long-term care facilities and to share information between such agencies while adhering to federal and State confidentiality requirements. LTCO and the Humboldt County Sheriff Office mutually agree to:

1. Maintain communication by convening pre-scheduled meetings between LTCO and HCSO on an as needed basis. These meetings may be called by either department.
2. Assign staff from HCSO and LTCO to serve as liaisons to respond to requests for policy or program interpretations, program operations information, and training information.
3. Exchange information regarding relevant training opportunities available to HCSO and LTCO.
4. Inform each other of any relevant changes pertaining to laws, regulations, policies, and procedures regarding the reporting and investigation of suspected abuse, as well as any relevant changes in HCSO and LTCO operations including local program staffing. This information will be sent directly to HCSO and LTCO liaisons.
5. Meet jointly to establish protocols for responding to reports of known or suspected physical abuse occurring in LTC facilities when those reports are received by both LTCO and HCSO.

The agreement will become effective July 1, 2016 and shall remain in effect unless modified or rescinded as described under Joint Responsibilities, Item 5 the MOU.

## FINANCIAL IMPACT:

There are no costs associated with the MOU to provide coordination of services between the Humboldt County Sheriff's Office and the Long Term Care Ombudsman Program. Sheriff's Office personnel will work with the LTCO to ensure that the mission of the program verify and report any suspected abuse to appropriate agencies. Personnel costs are covered by the General Fund allocation in Sheriff's Operations budget unit 221 with no modifications.

The LTCO agreement meets the Board of Supervisors Strategic Plan core role of protecting vulnerable populations in the county.

OTHER AGENCY INVOLVEMENT:

Humboldt Del Norte County Long Term Care Ombudsman Program

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board of Supervisors may choose not to approve the MOU between the Humboldt Sheriff and the Humboldt Del Norte County Long Term Care Ombudsman Program for coordination of services; however, this is not recommended as a denial of the proposed agreement could potentially result in an increase in adult abuse in licensed facilities.

ATTACHMENTS:

Attachment 1            Memorandum of Understanding



**Attachment 1**

Memorandum of Understanding

Between Humboldt Del Norte County Long Term Care Ombudsman Program  
and Humboldt County Sheriff for Coordination of Services Regarding Investigations  
of Suspected Elder and Dependent Adult Abuse in Long-Term Facilities

**MEMORANDUM OF UNDERSTANDING**

Between

**HUMBOLDT DEL NORTE COUNTY LONG TERM CARE OMBUDSMAN PROGRAM  
(LTCO)**

and

**Humboldt County Sheriff Office  
(HCSO)**

for

Coordination of Services Regarding  
Investigations of Suspected Elder and Dependent Adult Abuse in Long-Term Care  
(LTC) Facilities

Effective : July 1, 2016

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Sheriff Michael Downey  
Humboldt County Sheriff's Office  
826 4<sup>th</sup> Street  
Eureka, Ca 95501

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Suzi Fregeau, Program Manager/Coordinator  
Humboldt Del Norte Long Term Care Ombudsman  
424 – 7<sup>th</sup> Street, Suite 209  
Eureka, CA 95501

**Background and Purpose of Humboldt County Sheriff Office (HCSO) and Humboldt Del Norte Ombudsman Program (LTCO)**

Humboldt County Sheriff Office (HCSO)	Humboldt Del Norte Long Term Care Ombudsman (LTCO)
<p>Under Penal Code section 830 et seq., HCSO has the authority to investigate allegations of public offenses within its jurisdiction.</p> <p>The Elder Abuse and Dependent Adult Civil Protection Act, Welfare and Institutions (W&amp;I) Code section 15630 et seq., establishes statutory requirements for mandated reporters to report suspected elder abuse in long-term care (LTC) facilities to local law enforcement agencies as defined in W&amp;I Code section 15610.45.</p> <p>Under W&amp;I Code section 15630, mandated reporters of suspected elder and dependent adult physical abuse must report physical abuse occurring in LTC facilities by telephone to HCSO and in writing to the local Long Term Care Ombudsman Program (LTCOP), HCSO, and the appropriate licensing agency.</p> <p>When HCSO receives a report of abuse alleged to have occurred in a LTC facility, W&amp;I Code section 15640(c) requires HCSO to immediately, or as soon as possible, report this by telephone to the local LTCOP.</p> <p>When HCSO receives a report of suspected abuse, neglect, or abandonment of an elder or dependent adult occurring in a long-term care facility, W&amp;I Code section 15640(e) requires HCSO to report it to the appropriate licensing agency by telephone as soon as possible.</p> <p>Under W&amp;I Code section 15650(a), investigations of reports of known or suspected instances of abuse in LTC facilities are the responsibility of the local law enforcement agency HCSO, and the LTCOP.</p> <p>A mission and goal statement of HCSO is enclosed and made part of this agreement.</p>	<p>The LTCO is mandated by the federal Older Americans Act, 42 U.S.C. 3058g and by the Mello-Granlund Older Californians Act, W&amp;I Code sections 9700-9741, to advocate on behalf of residents in LTC facilities. Furthermore, the Elder Abuse and Dependent Adult Civil Protection Act, W&amp;I Code section 15630 et seq., establishes statutory requirements for mandated reporters to report elder abuse to the LTCOP.</p> <p>The LTCO is charged to advocate for LTC residents under State and federal law, including the following responsibilities:</p> <ol style="list-style-type: none"> <li>1. Provide services to protect the health, safety, welfare, and rights of residents.</li> <li>2. Ensure that residents have regular and timely access to services provided by the LTCOP and receive timely responses from representatives of the LTCOP.</li> <li>3. Identify, investigate, and resolve complaints that are made by, or on behalf of, LTC residents that relate to action, inaction or decisions, that may adversely affect the health, safety, welfare, or rights of the residents.</li> <li>4. Receive and investigate reports of suspected abuse alleged to have occurred in LTC facilities.</li> </ol> <p>Under W&amp;I Code section 15650(a), investigations of reports of known or suspected instances of abuse in LTC facilities are the responsibility of the bureau, the local law enforcement agency HCSO, and the LTCOP.</p> <p>As provided in W&amp;I Code section 15650(f), each local LTCOP will maintain an inventory of public and private agencies available to assist LTC residents who are victims of abuse. The inventory can be used to refer cases of abuse in the event that another agency has jurisdiction, the abuse is verified and further investigation is needed by the law</p>



enforcement or licensing agency or the LTCOP does not have sufficient resources to provide immediate assistance. The role of LTCO is to receive reports of suspected abuse, determine their validity, refer verified abuse to appropriate agencies for further action as necessary, and follow up to complete the required report information. The LTCO will provide other ombudsman services to residents as necessary.

A mission and goal statement of the Office of the State Long-Term Care Ombudsman (OSLTCO) is enclosed and made part of this agreement (see Page 4).

**California Department of Aging  
Office of the State Long-Term Care Ombudsman  
Mission and Goal Statement**

The mission of the Office of the State Long-Term Care Ombudsman (OSLTCO) is to ensure the dignity, quality of life and care for all residents in long-term care (LTC) facilities primarily serving the elderly by empowering residents and advocating on behalf of those unable to act for themselves.

To fulfill this mission and in accordance with the federal Older Americans Act, the State Mello-Granlund Older Californians Act, and other state mandates, the OSLTCO will ensure that the program<sup>1</sup> will:

- Identify and advocate on behalf of older and vulnerable residents of LTC facilities, through investigation, and seek to resolve complaints, including suspected elder or dependent adult abuse, made by or on behalf of residents, to the resident's satisfaction or expressed wishes;
- Maintain an ongoing presence in Skilled Nursing Facilities (SNFs) and Residential Care Facilities for the Elderly (RCFEs);
- Represent the resident before governmental entities and seek administrative, legal, and other remedies.

The following responsibilities confirm the agreement between LTCO and HCSO to coordinate services to residents of licensed long-term care facilities and to share information between such agencies while adhering to federal and State confidentiality requirements.

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<sup>1</sup>"Program" means the State Office and the local Long-Term Care Ombudsman Programs.



## Communication Responsibilities

Humboldt Del Norte Long Term Care Ombudsman (LTCO) and the Humboldt County Sheriff Office (HCSO) mutually agree to:

1. Maintain communication by convening pre-scheduled meetings between LTCO and HCSO on an as needed basis. These meetings may be called by either department.
2. Assign staff from HCSO and LTCO to serve as liaisons to respond to requests for policy or program interpretations, program operations information, and training information.
3. Exchange information regarding relevant training opportunities available to HCSO and LTCO.
4. Inform each other of any relevant changes pertaining to laws, regulations, policies, and procedures regarding the reporting and investigation of suspected abuse, as well as any relevant changes in HCSO and LTCO operations including local program staffing. This information will be sent directly to HCSO and LTCO liaisons.
5. Meet jointly to establish protocols for responding to reports of known or suspected physical abuse occurring in LTC facilities when those reports are received by both LTCO and HCSO.

## Complaint Reporting

Humboldt County Sheriff's Office (HCSO)	Humboldt Del Norte Long Term Care Ombudsman (LTCO)
<p>HCSO will:</p> <p>Immediately, or as soon as practically possible, report by telephone to LTCO when abuse is alleged to have occurred in a LTC facility (W&amp;I Code section 15640 (c)).</p> <p>Send a written report of the abuse report within two working days.</p> <p>With other appropriate law enforcement agencies, retain responsibility for criminal investigations of elder and dependent adult abuse and neglect; and may request assistance from LTCO (Penal Code section 368.5(b)).</p> <p>When both agencies receive a report of known or suspected physical abuse occurring in a LTC facility, HCSO will coordinate efforts with LTCO to provide the most appropriate and effective response for the benefit of the victim.</p> <p>Give priority to "urgent" complaints referred by Humboldt LTCO. Recognize that complaint referrals alleging an immediate threat to a resident's health and safety should be given highest priority. "Urgent" complaint referrals include:</p> <ul style="list-style-type: none"> <li>• Abuse or neglect resulting in death</li> <li>• Sexual assault, abuse, or molestation</li> <li>• Abuse or neglect resulting in great bodily injury (e.g., broken bones, wounds that require extensive suturing, etc.)</li> <li>• Any situation where evidence may be lost if time passes (e.g., where bruises exist which need to be photographed; financial abuse where the perpetrator may be suspected of intending to destroy documents; maggots in wounds; blood on bed sheets which may be washed by the facility; etc.)</li> </ul>	<p>LTCO will:</p> <p>Request consent of the victim or legal representative to reveal his/her identity prior to sending a report to HCSO. LTCO will cross report potential criminal acts to HCSO when LTCO has written consent of the victim or the victim's legal representative, or a court order exists. LTCO will submit a "Report of Suspected Dependent Adult/Elder Abuse" form (SOC 341) and/or a "Complaint from the Long-Term Care Ombudsman" form (CDA 223) to HCSO.</p> <p>Recognize that HCSO and other law enforcement agencies with jurisdiction retain responsibility for criminal investigations of elder and dependent adult abuse and neglect, but LTCO may assist in these situations if requested by law enforcement.</p> <p>When LTCO does not have consent to release identities of victims and witnesses, LTCO may only cross report to HCSO if identifying information is redacted for individuals who did not provide consent (e.g., name, ethnicity, room number, etc.). Humboldt LTCO shall release to HCSO all reports of known or suspected criminal activity or "urgent" matters as described in this MOU, including redacted reports.</p> <p>When both agencies receive a report of known or suspected physical abuse occurring in a LTC facility, Humboldt LTCO will coordinate efforts with HCSO to provide the most appropriate and effective response for the benefit of the victim.</p> <p>Upon preliminary verification of an "urgent" complaint, LTCO will immediately fax information (redacted if consent is lacking) to HCSO. "Urgent" complaint referrals include:</p> <ul style="list-style-type: none"> <li>• Abuse or neglect resulting in death</li> <li>• Sexual assault, abuse, or molestation</li> </ul>



Review all "non-urgent" complaint referrals from LTCO to determine whether an investigation is warranted. "Non-urgent" complaint referrals include:

- Abuse or neglect not resulting in death or great bodily injury
- Abuse or neglect where a resident has been placed in a situation in which his/her person or health, is endangered
- Where a pattern exists of a resident who is attacking and injuring other residents, and the facility has been aware of such attacks and has failed to deal adequately with the violent resident
- Financial abuse of residents
- Falsification of records
- Fraudulently obtained or false licenses or certificates, including use of false documents such as Social Security cards, Resident Alien cards, or driver's licenses, and staff who did not actually take the training required to obtain their licenses or certificates

Report to LTCO the results of their investigations of referrals from Humboldt Del Norte Long Term Care Ombudsman LTCO.

- Abuse or neglect resulting in great bodily injury (e.g., broken bones, wounds that require extensive suturing, etc.)
- Any situation where evidence may be lost if time passes (e.g., where bruises exist which need to be photographed; financial abuse where the perpetrator may be suspected of intending to destroy documents; maggots in wounds; blood on bed sheets which may be washed by the facility; etc.)

LTCO will fax all "non-urgent" complaint referrals to HCSO on the SOC 341 form immediately if possible, but no more than 48 hours after verifying the complaint. Identifying information will be redacted absent consent of the victim. "Non-urgent" complaint referrals include:

- Abuse or neglect not resulting in death or great bodily injury
- Abuse or neglect where a resident has been placed in a situation in which his/her person or health, is endangered
- Where a pattern exists of a resident who is attacking and injuring other residents, and the facility has been aware of such attacks and has failed to deal adequately with the violent resident
- Financial abuse of residents
- Falsification of records
- Fraudulently obtained or false licenses or certificates, including use of false documents such as Social Security cards, Resident Alien cards, or driver's licenses, and staff who did not actually take the training required to obtain their licenses or certificates.



**Joint Responsibilities of the Humboldt County Sheriff Office (HCSO) and  
Humboldt Del Norte Long Term Care Ombudsman (LTCO)**

1. Maintain communication by convening meetings between HCSO and LTCO annually or more often as needed.
2. Develop protocols for coordination of efforts when investigating reports of known or suspected physical abuse occurring in LTC facilities received by both agencies.
3. Provide up-to-date contact lists for each organization (see Attachments 1 and 2).
4. Exchange information regarding training opportunities. When LTCO conducts training sessions, invite HCSO personnel to attend. If appropriate, invite HCSO personnel to participate as trainers. Conversely, HCSO conducts a relevant training session, invite LTCO personnel to attend. If appropriate, invite LTCO personnel to participate as trainers.
5. Either party to this MOU may modify or terminate the MOU upon written notice provided at least 30 days in advance to the other party.

ATTACHMENT 1

**Humboldt County Sheriff Office (HCSO)  
Contact List**

- A. The contact person for HCSO for policy issues and general liaison responsibilities shall be:

Investigator Cheryl Franco  
Humboldt County Sheriff's Office  
826 4<sup>th</sup> Street  
Eureka, Ca 95501  
707-268-3641  
Cfranco@co.humboldt.ca.us

- B. The back-up liaison if/when (named person A) is not available for HCSO shall be:

Detective Scott Hicks  
Humboldt County Sheriff's Office  
826 4<sup>th</sup> Street  
Eureka, Ca 95501  
707-268-3645  
Shicks@co.humboldt.ca.us

## ATTACHMENT 2

### **Humboldt Del Norte Long Term Care Ombudsman (LTCO) Contact List**

- A. The contact person for LTCO for policy issues, training, legislation and general liaison responsibilities shall be:

Suzi Fregeau, Program Manager  
Long-Term Care Ombudsman Program  
Area 1 Agency on Aging  
434 – 7<sup>th</sup> Street, Suite 209  
Eureka, CA 95501

- B. The back-up liaison if/when (named person A) is not available for LTCO shall be:

Laura Rhinehart, Program Assistant  
Long-Term Care Ombudsman Program  
Area 1 Agency on Aging  
434 – 7<sup>th</sup> Street, Suite 209  
Eureka, CA 95501



# Humboldt County Sheriff's Office

Policy Manual

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## **MISSION STATEMENT**

### Our Mission

We, the members of the Humboldt County Sheriff's Office, are committed to providing competent, effective and responsive public safety services to the citizens of Humboldt County and visitors to our community, recognizing our responsibility to maintain order, while affording dignity and respect to all persons and holding ourselves to the highest standards of professional and ethical conduct.

### Our Vision

Our vision is to enhance our status as a quality public safety agency, valued by our community and respected by our peers. As such, we will be recognized as an inclusive organization in which everyone is encouraged to contribute their energies, talent and skills to create strategies to meet new challenges and achieve our mission.

### Our Values

We value, as our highest priorities, the sanctity and protection of human life and the equitable, fair and impartial application of laws and ordinances regardless of race, color, creed, sex or station in life.

We value a safe work environment that is free of discrimination and/or harassment in any form.

We value honest and ethical personal and professional conduct; we value and respect the rights and dignity of all persons.

We value employee opportunities for advancement, specialized training and assignments, and individual growth based on performance and a demonstrated ability to handle additional responsibility.

We value employee involvement in our planning and decision-making.

We value solving community problems and concerns, and achieving our goals through cooperation and collaboration with the community and other governmental and service organizations.

We value improvement through innovation and creativity, efficient and prudent use of taxpayer dollars, and thorough, ongoing evaluations of our members and organizational structure.

We value the delegation of authority and responsibility with accountability to the lowest practical level with the proper balance of follow-up and management control for actions taken or omitted.