



# ABUSE, NEGLECT, SELF-NEGLECT & EXPLOITATION OF VULNERABLE ADULTS

**INDEX CODE: 1810**  
**EFFECTIVE DATE: 07-01-23**

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### **I. PURPOSE**

To establish consistent policies and guidelines for the Police Department's response to investigations of abuse, neglect, self-neglect, and exploitation of vulnerable adults. The Annotated Code of Maryland Criminal Law Article Sections 3-604 through 3-606, and 8-101; Health General Article Sections 7-1005, 10-705, 19-346, 19-347; and Family Law Article Sections 14-301 through 14-309 enumerates the various procedures for law enforcement agencies to follow when receiving and investigating reports of abuse, neglect, self-neglect, and exploitation of vulnerable adults, and should be referred to while conducting these investigations.

### **II. DEFINITIONS**

#### **A. Abuse**

The sustaining of physical pain or injury by a vulnerable adult as a result of cruel or inhumane treatment or as a result of a malicious act or with gross recklessness under circumstances that indicate that the vulnerable adult's health or welfare is harmed or threatened. "Abuse" includes the sexual abuse of an adult. In the setting of a "Related Institution," abuse also includes any persistent course of conduct intended to produce or resulting in mental or emotional distress. Abuse does not include an accepted medical or behavioral procedure ordered by a health care provider authorized to practice under the Health Occupations Article or Section 13-516 of the Education Article acting within the scope of the health care provider's practice, or an accepted behavioral procedure that a licensed psychologist or psychiatrist, as appropriate, orders.

#### **B. Caregiver**

A person under a duty to care for a vulnerable adult because of a contractual undertaking to provide care.

#### **C. Developmental Disability**

A severe, chronic disability of an individual that: is attributable to a physical or mental impairment, other than the sole diagnosis of mental illness, or to a combination of mental and physical impairments; is manifested before the individual attains the age of 22; is likely to continue indefinitely; results in an inability to live independently without external support or continuing and regular assistance; and reflects the need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are individually planned and coordinated for the individual.

#### **D. Emergency**

Any condition in which an individual is living that presents a substantial risk of death or immediate and serious physical harm to the individual or others.

#### **E. Exploitation**

Any action which involves the misuse of a vulnerable adult's funds, property, or person.

**F. Facility**

Any public or private clinic, hospital, or other institution that provides or purports to provide treatment or other services for individuals who have mental disorders. "Facility" does not include a Veteran's Administration hospital.

**G. Family Member**

A relative of a vulnerable adult by blood, marriage, adoption, or the marriage of a child.

**H. Household**

A location in which the vulnerable adult resides; where the abuse or neglect of a vulnerable adult is alleged to have taken place; or where the person suspected of abusing or neglecting a vulnerable adult resides.

**I. Household Member**

An individual who lives with or is a regular presence in a home of a vulnerable adult at the time of the alleged abuse or neglect.

**J. Mental Illness**

A behavioral or emotional illness that results from a psychiatric or neurological disorder, which substantially impairs the mental or emotional functioning of an individual as to make care or treatment necessary or advisable for the welfare of the individual or for the safety of the person or property of another. "Mental Illness" does not include Developmental Disability.

**K. Neglect**

The intentional failure to provide necessary assistance and resources for the physical needs of a vulnerable adult, including: food, clothing, toileting, essential medical treatment or rehabilitative therapy, shelter, or supervision. "Neglect" does not include the provision of nonmedical remedial care and treatment for the healing of injury or disease that is: given with the consent of the vulnerable adult; and recognized by State law in place of medical treatment.

**L. Ombudsman**

A government official who is an advocate for residents of "related institutions." In Anne Arundel County, the Ombudsman works for the Anne Arundel County Department of Aging and Disabilities (410-222-4464).

**M. Related Institution**

An organized institution, environment, or home that: Maintains conditions or facilities and equipment to provide domiciliary, personal or nursing care for two (2) or more unrelated individuals who are dependant on the administrator, operator, or proprietor for nursing care or the subsistence of daily living in a safe, sanitary, and healthful environment; and admits or retains individuals for overnight care (nursing home, assisted living facility, etc.). A "Related Institution" does not include a nursing facility or visiting nurse service that is conducted only by or for adherents of a bona fide church or religious organization, in accordance with tenets and practices that include reliance on treatment by spiritual means alone for healing.

**N. Self Neglect**

The inability of a vulnerable adult to provide the vulnerable adult with the services: that are necessary for the vulnerable adult's physical and mental health; and the absence of which impairs or threatens the vulnerable adult's well-being.

**O. Serious Physical Injury**

Physical injury that creates a substantial risk of death; or causes permanent or protracted serious: disfigurement; loss of the function of any bodily member or organ; or impairment of the function of any bodily member or organ.

**P. Sexual Abuse**

An act that involves sexual molestation or exploitation of a vulnerable adult, including: incest, rape, sexual offense in any degree, sodomy, and unnatural or perverted sexual practices. In cases involving individuals with developmental disabilities, "Sexual Abuse" includes sexual acts, sexual contact, and vaginal intercourse as defined by Section 3-301 of the Criminal Law Article.

**Q. Undue Influence**

Domination and influence amounting to force and coercion exercised by another person to such an extent that a vulnerable adult was prevented from exercising free judgment and choice. "Undue Influence" does not include the normal influence that one member of a family has over another member of the family.

**R. Vulnerable Adult**

An adult who lacks the physical or mental capacity to provide for the adult's daily needs.

**III. PROHIBITED ACTS**

**A. Abuse or Neglect of a Vulnerable Adult in the First Degree (CR 3-604, Felony)**

A caregiver, a parent, or other person who has permanent or temporary care or responsibility for the supervision of a vulnerable adult may not cause abuse or neglect of the vulnerable adult that: results in the death of the vulnerable adult; causes serious physical injury to the vulnerable adult; or involves sexual abuse of the vulnerable adult.

A household member or family member may not cause abuse or neglect of a vulnerable adult that: results in the death of the vulnerable adult; causes serious physical injury to the vulnerable adult; or involves sexual abuse of the vulnerable adult.

**B. Abuse or Neglect of a Vulnerable Adult in the Second Degree (CR 3-605, Misdemeanor)**

A caregiver, a parent, or other person who has permanent or temporary care of responsibility for the supervision of a vulnerable adult may not cause abuse or neglect of the vulnerable adult.

A household member or family member may not cause abuse or neglect of a vulnerable adult.

**C. Exploitation of Vulnerable Adults (CR 8-801, Misdemeanor under \$1,000; Felony \$1,000 and over)**

A person may not knowingly and willfully obtain by deception, intimidation, or undue influence the property of an individual that the person knows or reasonably should know is a vulnerable adult with the intent to deprive the vulnerable adult of the vulnerable adult's property.

A person may not knowingly and willfully obtain by deception, intimidation, or undue influence the property of an individual that the person knows or reasonably should know is at least 68 years old, with the intent to deprive the individual of the individual's property.

**IV. INVESTIGATIONS OF VULNERABLE ADULT ABUSE, NEGLECT, SELF-NEGLECT, AND EXPLOITATION**

Each complaint of alleged abuse at a "Related Institution" (nursing home, assisted living facility, etc.); a "Facility" (institutions providing treatment for mental disorders); or involving an adult with a "Developmental Disability"; and all other cases of vulnerable adult abuse, neglect, self-neglect, or exploitation will be thoroughly investigated, with a focus on ensuring the protection of the alleged victim, and ensuring the victim receives medical attention, as necessary. Each investigation shall include: A determination of the nature, extent, and cause of the abuse; the identity of the alleged abuser; the identity and statements of any witness(es); the identification and collection of any evidence; and any other pertinent fact or matter. The Evidence Collection Unit will be requested to document/photograph any injuries and to collect evidence/process crimes scenes

All allegations of vulnerable adult abuse, neglect, self-neglect, and exploitation require a written police incident report. The incident report must include the name, date of birth, home address, and phone numbers of the alleged vulnerable adult; the name, date of birth, home address, and phone numbers of the person responsible for the care of the alleged vulnerable adult; the whereabouts of the alleged vulnerable adult; the nature and extent of the abuse, neglect, self-neglect, or exploitation of the alleged vulnerable adult; evidence or information concerning previous abuse, neglect, self-neglect, or exploitation; and any other information that would help determine the cause of the suspected abuse, neglect, self-neglect, or exploitation; and the identity of the any individual responsible for the abuse neglect, self-neglect, or exploitation. Additionally, the report must include information that documents the physical or mental capacity the victim lacks that prevents them from providing for their daily needs; the victim's developmental disabilities; and/or the victim's mental disorder (see Section II. - Definitions). Note: With the exception of financial exploitation, a victim's age alone does not necessarily qualify them as a "Vulnerable Adult."

The following procedures apply in cases where there is alleged abuse, neglect, self-abuse, or exploitation of a vulnerable adult:

**A. Communications Section Responsibilities**

Upon receipt of a complaint alleging abuse, neglect, self-neglect, or exploitation of a vulnerable adult, the Communications Section will assign the appropriate priority to the complaint. An officer will be dispatched from the appropriate district to investigate the complaint. A patrol supervisor will also be made aware of any calls of this nature.

**B. Bureau of Patrol Responsibilities**

**1. Vulnerable Adult Abuse at “Related Institutions” (nursing homes, assisted living facilities, etc.)**

Upon arrival, the patrol officer should contact the on-duty “Related Institution” supervisor and request an interview with the alleged victim or complainant. If this request is refused, the Child & Vulnerable Adult Abuse Unit supervisor may be contacted for assistance, or the local Ombudsman may be contacted for assistance. The local ombudsman may request to accompany the officer and/or may conduct a concurrent investigation. This request will be honored. The investigating officer will check the “Child Abuse/Vulnerable Adult Incident” Stat Reporting box on the Event Information Card of the Offense/Incident Report; and will fax a copy of the report to the Department of Social Services (410-508-2041), and the Anne Arundel County Department of Aging & Disabilities (410-222-4346).

**2. Vulnerable Adult Abuse at “Facilities” (institutions providing treatment for mental disorders)**

Upon arrival, the patrol officer should contact the on-duty “Facility” supervisor and request an interview with the alleged victim or complainant. If this request is refused, the Child & Vulnerable Adult Abuse Unit supervisor may be contacted for assistance. The investigating officer will check the “Child Abuse/Vulnerable Adult Incident” Stat Reporting box on the Event Information Card of the Offense/Incident Report; and will fax a copy of the report to the Department of Social Services (410-508-2041).

**3. Vulnerable Adult Abuse Involving Adults with “Developmental Disabilities”**

The investigating officer will check the “Child Abuse/Vulnerable Adult Incident” Stat Reporting box on the Event Information Card of the Offense/Incident Report; and will fax a copy of the report to the Department of Social Services (410-508-2041).

**4. All Other Cases Involving Vulnerable Adult Abuse and Neglect**

The investigating officer will check the “Child Abuse/Vulnerable Adult Incident” Stat Reporting box on the Event Information Card of the Offense/Incident Report; and will fax a copy of the report to the Department of Social Services (410-508-2041).

**5. Vulnerable Adult Abuse & Neglect Cases Requiring Follow-Up**

Abuse or Neglect of a Vulnerable Adult in the First Degree (felony) will be investigated by the Child & Vulnerable Adult Abuse Unit, as will serious Second Degree Abuse or Neglect cases. Other cases of vulnerable adult abuse and neglect may be investigated by the Bureau of Patrol in consultation and coordination with the Child & Vulnerable Adult Abuse Unit supervisor. The investigating officer’s supervisor, may contact the supervisor of the Child & Vulnerable Adult Abuse Unit supervisor via office telephone during normal work hours, or by contacting the on-call Criminal Investigation Division supervisor outside of regular hours. Officers and supervisors may also contact the Department of Social Services/Adult Protective Services (410-269-4500/410-421-8400) for assistance. If the alleged abuse involves a “Related Institution,” the Ombudsman at the Anne Arundel County Department of Aging & Disabilities (410-222-4464) may also be contacted for assistance.

**6. Exploitation of Vulnerable Adults**

Follow-up investigations of cases involving financial Exploitation of Vulnerable Adults are conducted by the CID Economic Crimes Section Economic Crimes Unit Financial Crimes Squad. Some cases are then referred to the Anne Arundel County State’s Attorney’s Office for investigation and prosecution. The investigating officer will check the “Child Abuse/Vulnerable Adult Incident” Stat Reporting box on the Event Information Card of the Offense/Incident Report.

**7. Self-Neglect**

Follow-up investigations of Self-Neglect are the responsibility of the Department of Social Service/Adult Protective Services. Officers responding to Self-Neglect incidents should first determine if the victim requires any immediate medical attention, and request emergency medical services, if necessary. The officer may contact the Department of Social Services/Adult Protective Services for assistance (410-269-4500/410-421-8400). Officers investigating incidents pertaining to the Self-Neglect of a vulnerable adult will fax a copy of their report to the Department of Social Services (410-508-2041).

## **8. Emergencies**

If in the course of an investigation of Vulnerable Adult Abuse, Neglect, Self-Abuse, or Exploitation, a representative from the Department of Social Services/Adult Protective Services believes that an emergency exists, the representative may contact the Police Department for assistance. The officer(s) shall accompany the representative; and if the officer(s) agree that an emergency exists, the officer(s) shall ensure that the individual is transported to an appropriate health care facility. The officer(s) will ensure that the vulnerable adult's next of kin is notified, and will check the "Child Abuse/Vulnerable Adult Incident" Stat Reporting box on the Event Information Card of the Offense/Incident Report; and will fax a copy of their report to the Department of Social Services (410-508-2041) (Family Law Article 14-304).

## **9. Confidentiality**

In general, the identity of any person who makes a report under Section 14-302 of the Family Law Article shall be confidential. The identity of the person may be disclosed if the person consents; or the court orders the disclosure (Family Law Article 14-308).

## **10. Authorization for Medical Treatment**

If it is necessary for a victim to be removed to a hospital for treatment as a result of abuse, the following persons would authorize this treatment.

- a. The victim
- b. A guardian/relative
- c. The nursing home/related institution administrator
- d. The resident/patient/victim's responsible party

## **C. Criminal Investigations Division Responsibilities**

1. The CID – Major Crimes Section, Child & Vulnerable Adult Abuse Unit supervisor is responsible for the screening of alleged Vulnerable Adult Abuse and Neglect cases. Vulnerable Adult Abuse & Neglect in the First Degree and serious Second Degree cases will be investigated by the Child & Vulnerable Adult Abuse Unit. Less serious cases not requiring case enhancement may be referred back to the Bureau of Patrol for follow-up in consultation and coordination with the Child & Vulnerable Adult Abuse Unit supervisor. The Child & Vulnerable Adult Abuse Unit works in close consultation with the State's Attorney's Office during the screening and investigative process.

2. The supervisor of the Child & Vulnerable Adult Abuse Unit is the designated liaison between the Police Department and the Department of Social Services/Adult Protective Services, the County Department of Aging & Disabilities, the State's Attorney's Office, and any other agency or organization related to Vulnerable Adult Abuse, Neglect, and Exploitation.

3. The supervisor of the Child & Vulnerable Adult Abuse Unit will screen and forward any police incident reports regarding the abuse or neglect of vulnerable adults sent to the Unit by the Patrol Services Bureau to the Department of Social Services/Adult Protective Services; and the Department of Aging as appropriate.

4. The supervisor of the Child & Vulnerable Adult Abuse Unit will receive and screen any Department of Social Services/Adult Protective Services reports sent to the Police Department regarding vulnerable adults. Those cases meeting the criteria for follow-up investigation will be assigned to a Child & Vulnerable Adult Abuse Unit detective.

5. The supervisor of the Child & Vulnerable Adult Abuse Unit shall notify the Secretary of Health & Mental Hygiene of any reported abuse at "Related Institutions" involving a persistent course of conduct intended to produce or resulting in mental or emotional distress of any individual or individuals (Health General Article 19-347).

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6. In addition to normal reporting requirements, the Child & Vulnerable Adult Abuse Unit supervisor will ensure that completed investigative reports are distributed to the appropriate law enforcement; social services; and regulatory agencies as required by law. Copies of completed reports may be obtained by these appropriate agencies from the Central Records Section at no cost.

**V. PROPONENT UNIT:** CID – Major Crimes Section.

**VI. CANCELLATION:** This directive cancels Index Code 1810, dated ***12-14-21***.