

## **APSI Guide to Law Enforcement Referrals**

As an APSI for APS, you have now completed your investigation and have indicated that adult maltreatment has occurred (Abuse, Neglect, or Exploitation). You have done a great job and should be proud of the work you did to protect an at-risk adult. Now we need to make a referral to law enforcement. No matter your personal opinions about the case, or the individuals involved, your responsibility is to make a report to law enforcement if indicated and/or a crime has been identified. Throughout this process you have demonstrated empathy and practiced a trauma informed approach. Your responsibility has been to gather evidence, find facts to support or refute the allegation, made referrals for protective services, and documented what you learned. The following is a guide to completing an at-risk adult maltreatment referral to law enforcement. While no document can cover every eventuality, this guide should assist the APSI in gathering significant information and allow the APSI to present it in a manner that will greatly contribute to the investigation.

### **1. Financial Records and Review.**

- a. Every effort should be made to obtain financial records for the time-frame in question. Include copies of any letters, emails, releases, etc used to obtain the records. Records should include bank statements, copies of checks (front and back), deposit and withdrawal slips, any documentation that shows changes to accounts, additions of signers, etc. If other accounts such as retirement accounts, credit card accounts, or any other type are involved in the case, those records should be sought as well. Records should include a period of time before the exploitation began to further illustrate the change in financial activity.
  - i. Obtain full contact information for any banking witnesses. These may be personnel that were involved with the victim or perpetrator and may have expressed concerns regarding potential exploitation.
  - ii. If the APSI is unable to obtain the above listed information. The efforts taken and persons communicated with should be documented in the APSI report.
- b. Copies of any authorizing paperwork should be collected if they exist. These would include Financial Powers of Attorney (as well as any signed Agent Responsibilities forms), Conservatorships, Guardianships, or other written agreements, as well as any revocation documents. If available, copies of any Last Will and Testaments should be collected. Provide full contact information for other persons or programs that may be involved such as attorneys, payees, other witnesses or information sources, etc.
- c. Review of the records in the report to show what the extent of the crime is. APSI will use the Financial Exploitation Investigation Suite of Tools (FEIST). FEIST steps may be used individually but are intended to be used together. Steps 1 through 4 create expectations about a case; Steps 5 through 7 guide the investigation; and Step 8 summarizes the results of the investigation by comparing the expectations developed in Steps 1 through 4 to the APSI's findings in Steps 5 through 7. The FEIST steps, when assembled with supporting documentation, comprise a complete package to assist with making a successful referral to law enforcement. It is important to note that these steps are not meant to be rigidly applied. They are simply a helpful structure for conducting investigations. A narrative description as to why these indicated transactions are questioned must be a part of the APSI report.

- d. Documents should be collected regarding any property sales (land, vehicles, and other property). Any paperwork regarding transfers of ownership, photographs of said items and any other documents relating to property that may have been stolen, sold, pawned, or otherwise disposed of to the gain of the suspect.

## **2. Medical Information.**

- a. Capacity or lack thereof is often the cornerstone piece of information regarding adult maltreatment investigations. Every effort needs to be made to obtain diagnosis, evaluations, testing, medical notes regarding capacity, etc. Obtain names and contact information for any medical providers the victim may have seen during the relevant time frame. Any other relevant medical information can also be included in this section.
- b. Copies of any authorizing paperwork should be collected if they exist. These would include Medical Powers of Attorney (as well as any signed Agent Responsibilities forms), Guardianships, or other written agreements, as well as any revocation documents. If available, copies of any living wills, advance directives, POLST, Last Will and Testaments should be collected. Provide full contact information for other persons or programs that may be involved such as attorneys, payees, other witnesses, or information sources, etc

## **3. Alleged Victim Profile**

- a. The victim profile is essential to all reports and needs to be completed with all relevant detail. Full name and any nicknames or other names used, date of birth (age) education, employment status, gender, marital status, physical and mailing address, phone number, etc. This all is gathered on the LEAPS Detail page and needs to be completed 100%.

## **4. Alleged Perpetrator Profile**

- a. The perpetrator profile is essential to all reports and needs to be completed with all relevant detail. Full name and any nicknames or other names used, date of birth (age) education, employment status, gender, marital status, physical and mailing address, phone number, relationship to the alleged victim. This all is gathered on the LEAPS Detail page and needs to be completed 100%.

## **5. Interview Log.**

- a. APS reports have an interview for all persons contact. This log includes your summary of the interview information that is relevant, date and time of interview/contact, person contacted and information about that contact; location of the interview, the APSI's observation of the person and place, and others who may have been present during the interview. Provide complete details of the interaction and be as specific in these entries as possible. Fully identify each and every person contacted including their name, address, phone number, agency (if applicable), and email address.

## **6. Statements.**

- a. APSI will attempt to get written statements whenever possible and record interviews of each person. When meeting with a victim or witness to discuss a case, a recording can be a good idea to capture as much information as possible. It is one thing to document that a person is suffering from an abuse, but it can be much more powerful to hear it in their own words. When a case is referred to law enforcement, follow up statements can be taken, but initial recordings are quite helpful. This is particularly true with cases in which the victim passes away before the case is sent to law enforcement.

## **7. Reports.**

- a. Reports come in the form of an allegation to APS Intake. Throughout the investigation the APSI has been documenting each step, each interview, uploading documents, gathering information on collaterals (witnesses) information, risk assessment, APSI observation, records of others involved in the adults life, service plan, monitoring notes and a case closure Summary. The case closure summary is the reason for the investigation and the facts supported by evidence of abuse, neglect or exploitation identified. These need to contain a great deal of detail clearly describing your entire investigation and findings. The narrative needs to review all documents obtained, including the financial analysis. The analysis needs to describe what financial documents were obtained and what they show. Reports should summarize any contact the APSI had with victims, witnesses, other information sources, and if there was contact with the alleged perpetrator.
- b. Anything the APSI investigation alleges to be of concern or criminal needs to be detailed in these reports.
- c. Reports need to establish jurisdiction. The APSI report needs to clearly state where the offense(s) took place to ensure the referral is going to the proper agency.

## **8. Law Enforcement Case File Referral**

- a. The case file or referral needs to be organized in a manner that allows the reader to understand the APSI investigation. The use of electronic file transfer, Thumb Drive, Binders with tabs make organizing the various pieces of information easier. In the file label each folder or the divider sheets with the type of information contained. Files, or Tabs and sections can be added or eliminated depending on the specifics of your referral. The following is an example as to how a case could be organized:
  - i. Tab 1. Your initial referral information and narrative report with contact information for relevant persons. Include a list of contacts and their information here. Your Investigative Summary has all this pertinent information
  - ii. Tab 2. Banking records and spreadsheets – FEIST information, copies of bills, institution financial statements
  - iii. Tab 3. Medical/Mental Health documentation that is relevant, any information related to the case, any sort of medical information including capacity assessments can go here.
  - iv. Tab 4. Documentary evidence, can include releases, POA, Conservatorship/Guardianship documents or other related authority documents, , witness statements, etc. This section can be separated into additional tabs if the information gathered is voluminous.

## **9. Cover Letter to Law enforcement Agency**

- a. Utilize the APS letter head
- b. Date the letter
- c. Name of person you are writing this to with address
- d. RID Number
- e. Greeting
  - i. A short introduction of who you are, RID #, and reason for sending this to them.

i.e

Good afternoon Detective.

I am APSI Feelgood and I am submitting Referral ID# XXXX for your review. This investigation began on 01/01/2020 after a report was made to APS Intake. The allegation reported to APS was that an 89-year-old male was exploited by his granddaughter. The investigation revealed that there was approximately \$89,000 in cash removed from the 89-year-old males bank account without his authorization or knowledge. Further investigation identified the alleged perpetrator as the granddaughter and evidence collected supported the allegation. I have concluded that the APS investigation is indicated and appears to be a crime. Please review and provide your thoughts on this matter.