

MEMORANDUM OF UNDERSTANDING
Between
MONTEREY COUNTY COUNSEL,
MONTEREY COUNTY DISTRICT ATTORNEY,
MONTEREY COUNTY PUBLIC GUARDIAN,
MONTEREY COUNTY ADULT PROTECTIVE SERVICES, and
MONTEREY COUNTY SHERIFF

This Memorandum of Understanding, hereinafter called “Memorandum” is made and entered into by the Monterey County Counsel (“County Counsel”), the Monterey County District Attorney (“District Attorney”), the Monterey County Public Guardian (“Public Guardian”), Monterey County Adult Protective Services (“APS”), and Monterey County Sheriff (“Sheriff”).

I. PURPOSE:

This Memorandum is an agreement among the Monterey County Counsel; the Monterey County District Attorney; the Monterey County Department of Social and Employment Services, Adult Protective Services; the Monterey County Public Guardian; and the Monterey County Sheriff, memorializing the intention of said parties to work together toward the common goal of addressing the problem of financial abuse of elder and dependent adults. All five departments are committed to the development and designation of a team of financial abuse specialists and other professionals and law enforcement personnel from the community to better serve elderly and dependent adult victims. Through the commitments stated below, the parties intend to establish a comprehensive financial abuse services team (hereinafter “FAST”) and create prevention strategies to aid elderly and dependent adult victims of financial abuse and their non-offending family members in the Monterey County area.

As a Member of the FAST, each signing party or department agrees to assign staff to participate in the program for the purposes of:

1. Attending monthly meetings when staff is available and providing assistance, advice and/or direction in cases involving possible criminal activity.

2. Maintaining representation on FAST by way of email and telephone contact.
3. Providing professional opinions and advice to the FAST on how to proceed with the cases presented and attempting to find answers to questions within each department's field of expertise, upon request.
4. Providing telephone consultations to the FAST during regular business hours, on and emergency basis, not to exceed five hours per month.
5. To the extent possible, assisting the FAST in educating the public and others about the problem of financial abuse of elders and dependent adults.
6. Advocating for better alternatives for elders and dependent adults in need of protective services.
7. Respecting and maintaining the confidentiality of all individuals whose cases are presented or discussed.
8. Coordinating with one another to communicate and share information and resources regarding pending cases, use appropriate available resources and powers unique to each individual department, and act expeditiously to prevent or minimize the loss of financial resources of elder or dependent adult victims of financial abuse.

II. SCOPE OF SERVICES

The five participating individual Monterey County Departments anticipate contributing the following individualized services to the FAST:

1. **Monterey County Counsel.** At least one attorney from the County Counsel's Office will attend monthly meetings; provide the FAST guidance regarding civil law options in FAST cases and the civil law process; help train other personnel from the County Counsel's office regarding elder and dependent financial abuse; help instigate civil proceedings, coordinating with the Public Guardian's Office and Adult Protective Services; provide outreach and training to the public

on elder and dependent adult financial abuse; and help coordinate civil and legal proceedings with the District Attorney's office, law enforcement, and participating FAST professional consultants.

2. **Monterey County District Attorney.** At least one attorney from the District Attorney's Office will attend monthly meetings; provide the FAST guidance regarding potentially criminal conduct and the criminal legal process; help train other personnel from the District Attorney's office regarding elder and dependent adult financial abuse; help coordinate efforts in individual cases with the Sheriff's Office and other federal, state, and local law enforcement; and be available for potential criminal referrals. In addition, representatives from Victim/Witness Assistance Program of Monterey County will closely coordinate the following services with the Monterey County Counsel; the Monterey County Department of Social and Employment Services, Adult Protective Services; the Monterey County Public Guardian; and the Monterey County Sheriff through:

- a) assisting victims and witnesses to court when necessary;
- b) referring victims and witnesses to appropriate community resources for crisis counseling, emergency food, etc.;
- c) assisting victims and witnesses with child care, monitoring court proceedings, and arranging transportation;
- d) orientating clients to the Criminal Justice System;
- e) assisting clients regarding return of property seized by law enforcement;
- f) provide information to the FAST members regarding victim compensation processes, services and other information and resources available to victims;
- g) providing referral information to victims and significant others who may benefit from FAST Team member resources.

3. **Monterey County Public Guardian.** At least one member of the Public Guardian's Office will attend monthly FAST meetings; help instigate and coordinate both civil and criminal investigations and proceedings where warranted; utilize the unique investigation tools and legal powers available to the Public Guardian's office where warranted in individual cases; coordinate with Adult Protective Services and County Counsel to instigate civil proceedings where warranted and appropriate; help with outreach and education of the public on elder and dependent adult financial abuse issues; work with the District Attorney's Office and law enforcement where warranted to further investigation by the Public Guardian's Office and also to assist in criminal prosecutions, utilizing both civil and criminal systems to obtain the best results in a particular case; utilize the skills and resources of FAST professional consultants to help the Public Guardian's investigation and instigation of civil proceedings in individual cases.

4. **Monterey County County Adult Protective Services.** At least one member of Adult Protective Services will attend monthly FAST meetings; help assist with outreach and education efforts to the general public; coordinate with other FAST members to prevent or minimize financial loss in financial abuse cases; serve as a liason between APS case workers and the FAST, utilizing the skills and resources of law enforcement; other FAST members, and participating FAST professional consultants to make preliminary investigations of financial abuse more effective and expeditious; and to expedite the referral processes to law enforcement and the Public Guardian's Office where financial loss is imminent or likely unless there is immediate intervention, coordinate with other FAST members to obtain further training and financial resources and recruit FAST professional consultants; and play a central role in screening and initiating FAST cases. To this end, a representative from Adult Protective Services will serve as the FAST Coordinator for the first year during and after creation of the Monterey County FAST.

5. **Monterey County Sheriff's Office.** At least one law enforcement officer from the Sheriff's Office will attend monthly FAST meetings; help instigate and coordinate criminal and civil investigations and proceedings.in individual cases where warranted; utilize the unique

law enforcement investigation tools available to the Sheriff's Office where warranted and appropriate to help expedite information and action in elder and dependent adult financial abuse cases; advise the FAST on criminal issues and proceedings; help with public outreach efforts by the FAST; utilize the abilities and resources of FAST professional consultants to assist with financial abuse investigations of the Sheriff's Office; and help serve as a liason between the FAST and local, state and federal law enforcement entities.

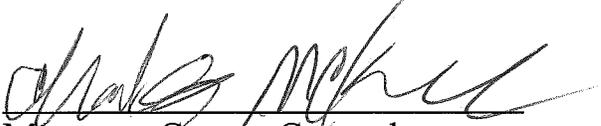
III. FINANCIAL ARRANGEMENTS

Preliminarily, the signature parties to this agreement do not anticipate requiring financial resources above and beyond 1) the financial resources already available to each department to combat elder and dependent adult financial abuse; and 2) volunteers from each department willing to assist in creating and maintaining the Monterey County FAST. Eventually, the FAST will explore potential federal, state and local sources of funding to further the abilities of the team to respond quickly and effectively to reported financial abuse.

IV. CONFIDENTIALITY

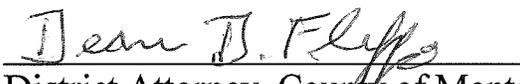
To the extent permitted by law, each of the five signature parties to this agreement agree to share information regarding particular matters where elder abuse is suspected with one another. The sharing of information relative to specific case histories as permitted by law, is deemed essential to interdepartmental collaboration. Monterey County Counsel, District Attorney, Public Guardian, APS and the Sheriff's Office acknowledge and agree any shared confidential information shall not be released, disclosed or otherwise made available to any individual or organization other than the designated personnel for this Agreement and FAST consultants who have previously signed separate memoranda of understanding, confidentiality agreements, and conflict of interest statements.

We, the undersigned, as authorized representatives of the Monterey County Council, Monterey County District Attorney, Monterey County Adult Protective Services, Monterey County Public Guardian, and Monterey County Sheriff, do hereby approve this document.



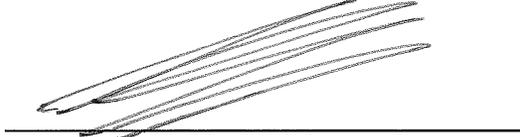
Monterey County Counsel

Date 9-20-12



District Attorney, County of Monterey

Date 10/1/12



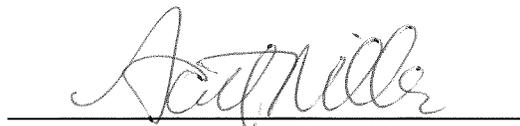
Monterey County Public Guardian

Date 9/10/12



Monterey County Department of
Social and Employment Services-
Adult Protective Services

Date 9/18/12



Monterey County Sheriff

Date 10/4/12