Contra Costa County
Employment and Human Services Department
Elder Death Review Team

Purpose of this Team

The purpose of the Contra Costa County Employment and Human Services Department – Elder Death Review Team is to identify and review suspicious elder deaths and facilitate communication between persons involved in the investigation or reporting of elder abuse or neglect.

Mission Statement

The principal mission of the Elder Death Review Team is to decrease the number of deaths in Contra Costa County associated with elder abuse and to seek justice for victims of elder abuse and neglect. We recognize the responsibility for responding to, and preventing, elder abuse and neglect fatalities lies within the community, and not with any single agency or entity. We further recognize that a careful examination of the fatalities provides the opportunity to develop education, prevention, and if necessary, prosecution strategies that will lead to improved coordination of services for families and for the population.

The Path to Purpose

The mission will encompass the review of suspicious deaths associated with suspected abuse and/or neglect, identify risk factors for such deaths, maintain statistical data concerning these deaths and facilitate communication among agencies involved in the identification, investigation, or prosecution of abuse or deaths in order to bridge system gaps in service delivery.

In order to accomplish its mission, the Elder Death Review Team will:

- Determine the circumstances surrounding suspicious deaths or deaths attributed to abuse or neglect.
- Improve the community response to those at risk.
- Evaluate services provided to victims and perpetrators prior to the death.
- Consider changes to prevention and intervention systems to help prevent such deaths.
- Promote changes in policies and procedures of governmental and private agencies to increase communication and cooperation and to close service delivery gaps.
- Bring together public and private agencies to evaluate coordinated systems and to generate collaborative opportunities.
- Have a positive impact on the health and safety to those individuals residing in Contra Costa County.

Elder Death Review Team Membership

In February 2001, Senate Bill 333, Chapter 301 authorized all counties in the state of California
to establish Elder Death Review Teams. The legislation states that Elder Death Review Teams can consist of experts in the following fields:

- Medical personnel with expertise in abuse and neglect
- Coroners and medical examiners
- District attorneys and city attorneys
- Adult protective services staff
- Public administrator, guardian, and conservator staff
- County health department staff who deal with elder health issues
- County counsel
- County and state law enforcement personnel
- Local long-term care ombudsman.
- Community care licensing staff and investigators
- Geriatric mental health experts
- Criminologists
- Representatives of local agencies that are involved with oversight of Adult Protective Services and reporting abuse or neglect
- Local professional associations

Source: [http://ssl.csg.org/dockets/23cycle/2003A/23Abills/1723a02ca.htm](http://ssl.csg.org/dockets/23cycle/2003A/23Abills/1723a02ca.htm); Penal Code 11174.4-11174.9

**Lead Agency:** Contra Costa County Employment and Human Services Department – Adult Protective Services will chair the Elder Death Review Team.

**Facilitator:** The Elder Abuse Victim Specialist for APS

Members are expected to participate in the bi-monthly (every 2 months) meetings.

**Meetings**

Elder Death Review Team meetings will be held from 9:00am to 11:00am on the first Tuesday, once every 2 months (FY 2017-2018), at the Contra Costa County Sheriff’s Office, Lower Level Training Room, 1980 Muir Rd., Martinez, CA 94553. Dates are as follows:

- September 5, 2017
- November 7, 2017
- January 9, 2018
- March 6, 2018
- May 1, 2018

Beginning July 2018, team meetings will be held quarterly.

Additional meetings may be assembled outside of the scheduled dates if the need arises.
Case Referrals

Appropriate case referrals for Elder Death Review are cases involving victims aged 65 or older that were likely associated with abuse, neglect and/or self-neglect either in the home or in a facility. All team members may refer cases at any given time and present their cases to the team. 1-2 cases will be reviewed at each meeting.

Cases that need review by the Elder Death Review Team are triaged by the Elder Abuse Victim Specialist and brought forward to the team. The Victim Specialist collects information from all agencies, public and private, that had contact with the victim or perpetrator and invites these agencies to attend the team meetings, as appropriate.

Documentation & Data Collection

The Victim Specialist will collect information for each case reviewed and document it for data collection purposes. Types of information collected can include personal, medical or legal/financial information of the victim, perpetrator information, risk factors, circumstances of the victim’s death, the investigation process, case review process used by the team and recommendations developed by the team.

Data collection will be used to identify opportunities for education, prevention, prosecution strategies and improvement of coordination of services.

Meeting Agenda

The meeting agenda for regular meetings will be developed by the chair. Minutes of all meetings shall be prepared and distributed to the membership by an appointed secretary. To maintain confidentiality, minutes will consist only of action items and notices of the next meeting.

Meetings will consist of sign-in, acknowledgment of confidentiality agreement, introductions, review of the previous month’s meeting minutes, updates on previous case action items and ongoing progress, case presentations, announcements and determination and/or review of next meeting date and location.

Recommendations

The Elder Death Review Team will review cases and ultimately produce recommendations to assist local agencies in identifying elder abuse related deaths. The intent is to assure that incidents of elder abuse are recognized and that agency involvement is reviewed to develop recommendations for policies and protocols, improvements in processes and coordination of service delivery. Recommendations by the team will be carefully worded to assure they are not interpreted as a finding of failure to provide services.

Recommendations of the team may be used by EHSD and APS as support for future funding

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opportunities or strategic planning purposes.

Confidentiality

Each agrees to keep meeting discussions and information confidential. Each team member and invited participant signs a Confidentiality Statement (Appendix A). The signed Confidentiality Statements are maintained by the Victim Specialist.

Oral and written communication or documents shared within or produced by an elder death review team is confidential and not subject to disclosure or discoverable by another third party. Furthermore, each organization represented on an elder death review team may share with other members of the team information in its possession concerning the decedent or any person who was in contact with the decedent or any other information deemed by the organization pertinent to the review. Information that may be disclosed includes medical information, mental health information, information from elder abuse reports and investigations (not including the identity of the reporting party), criminal history information and In-home support services records (Penal Code 11174.7-11174.8).

Exception: Under the Brady Rule (*Brady v. Maryland, 373 U.S. 83, 1963*), the District Attorney is required to disclose materially exculpatory evidence in the government's possession to the defense. "Brady material" or evidence the prosecutor is required to disclose under this rule includes any evidence favorable to the accused, evidence that goes towards negating a defendant's guilt, that would reduce a defendant's potential sentence, or evidence going to the credibility of a witness. This requirement applies to information shared in the EDRT and members acknowledge and agree to this confidentiality exception.

Team Conduct

Teams are not a mechanism for criticizing or second-guessing any agency’s decision. They are a mechanism for the essential information sharing required if the systems’ response to elder fatalities is to be improved. Therefore, the team will adopt a “no blame and shame” approach to case review and discussion.

Participating agencies may have individuals with concerns or disagreements regarding specific cases. Issues with the procedures and/or policies of a particular agency are sometimes identified; that agency's team member is responsible for any further action taken on the issue by his or her agency. Unresolved concerns can be addressed with the Victim Specialist outside of the team meeting.

Other Requirements

All members will be provided with a copy of this charter, will sign a statement of confidentiality, refer appropriate cases to the Victim Specialist and assist in offering solutions, services and recommendations.
Additional Provisions

This Charter shall not supersede any existing memorandums of understanding or agreements.

This Charter shall not be interpreted or construed to create a legal relationship, association, joint venture, separate legal entity or partnership among the member bodies, nor to impose any partnership obligation or liability upon any member. Further, no member shall have any authority to act on behalf of or be an agent or representative of, or to otherwise bind, any other member body.

No member of the Contra Costa County EHSD APS Elder Death Review Team shall be required under this Charter to indemnify, hold harmless and defend any other member of Contra Costa County EHSD APS from any claim, loss, harm, liability, damage, cost or expense caused by or resulting from the activities of any member, employee or agent.

APPROVAL OF CHARTER: Participation in the activities of Elder Death Review Team constitutes assent to the terms of this charter.

Date: 9/5/2017