TECHNICAL OVERVIEW

› If you are experiencing any technical issues with the audio for this session, please let us know in the feedback box.

› If you have technical difficulties during the webinar, contact Danielle McLean, who is providing technical support for this webinar. Her email address is dmclean@ovcttac.org.

› Today’s session will be recorded and made available on the training website.

› If you have questions, type them in the feedback box, and we will address as many as possible toward the end of the webinar.
EJI WEBINARS

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LAW ENFORCEMENT

Find elder abuse training, resources, and protocols

Federal, state, and local law enforcement officers play a unique and critical role in our response to elder abuse and financial exploitation. The Department of Justice has compiled information to enhance the ability of law enforcement officers to respond effectively to cases involving elder abuse.

Law Enforcement topics

- Reporting Obligations
- Elder Abuse Sample Protocols and State Statutes
- Investigating Elder Abuse
- General Elder Abuse Training
- Alzheimer’s Disease and Capacity Issues
- HIPAA Requirements
- Sexual Abuse
- Physical and Emotional Abuse
- Financial Exploitation
- Other Websites for Law Enforcement
IN DEVELOPMENT

- Law Enforcement Web Module
- Elder Abuse Roll Call Videos
- Dispatcher Training
- COPS Office Elder Abuse Project
- Financial Crimes Against Seniors In-Person Law Enforcement Training
- Advanced Law Enforcement Online Training
THE ROLE OF LAW ENFORCEMENT IN ELDER ABUSE CASES

Host - Yolonda Campbell, USDOJ Attorney
Brian Payne, Ph.D.
Vice Provost
Old Dominion University
Norfolk, VA

Law Enforcement Research
Presenter

Detective Mike Day
Vancouver Police Department
Elder Justice Center
Clark County, WA

Law Enforcement Practice
Law Enforcement Research and Elder Abuse
Brian K. Payne, Ph.D.
Vice Provost
Poll Question #1
Objectives

After this presentation, attendees will be able to:

- Identify three problems confronted in elder abuse cases.
- Conduct an elder abuse assessment in their department.
- Describe two effective responses and two ineffective responses to elder abuse.
- Describe three tips for better responses to elder abuse cases.
- Identify three suggestions for collaborating in elder abuse cases.
Number of Elder Abuse News Articles, 1999-2003
Number of Child Abuse vs. Elder Abuse Articles

![Bar Chart]

- **San Diego Tribune**: 1237 (Child Abuse) 172 (Elder Abuse)
- **San Francisco Chronicle**: 700 (Child Abuse) 75 (Elder Abuse)
- **Buffalo News**: 575 (Child Abuse) 47 (Elder Abuse)
- **New York Daily News**: 694 (Child Abuse) 46 (Elder Abuse)
- **Chicago Sun**: 897 (Child Abuse) 45 (Elder Abuse)
- **Boston Globe**: 1092 (Child Abuse) 49 (Elder Abuse)
- **Seattle Times**: 1297 (Child Abuse) 25 (Elder Abuse)
- **New York Times**: 2258 (Child Abuse) 25 (Elder Abuse)
- **Houston Chronicle**: 1287 (Child Abuse) 20 (Elder Abuse)
- **Denver Post**: 1073 (Child Abuse) 18 (Elder Abuse)
- **Boston Herald**: 702 (Child Abuse) 16 (Elder Abuse)
# Comparison of Child Abuse and Elder Abuse

## Hits in Various Searches (February 2016)

<table>
<thead>
<tr>
<th>Search</th>
<th>Elder Abuse</th>
<th>Child Abuse</th>
</tr>
</thead>
<tbody>
<tr>
<td>Google (ever)</td>
<td>2,270,000</td>
<td>28,800,000</td>
</tr>
<tr>
<td>Google (past week)</td>
<td>11,400</td>
<td>225,000</td>
</tr>
<tr>
<td>Google (past month)</td>
<td>28,000</td>
<td>2,630,000</td>
</tr>
<tr>
<td>Google (past year)</td>
<td>167,000</td>
<td>6,180,000</td>
</tr>
<tr>
<td>Google news (ever)</td>
<td>47,400</td>
<td>3,540,000</td>
</tr>
<tr>
<td>Google news (past week)</td>
<td>1,200</td>
<td>22,400</td>
</tr>
<tr>
<td>Google news (past month)</td>
<td>2,970</td>
<td>51,300</td>
</tr>
<tr>
<td>Google news (past year)</td>
<td>11,300</td>
<td>835,000</td>
</tr>
<tr>
<td>Dissertations</td>
<td>95</td>
<td>835</td>
</tr>
<tr>
<td>Internet Movie Database (IMDB)</td>
<td>18</td>
<td>1,200</td>
</tr>
<tr>
<td>Amazon (books)</td>
<td>2,750</td>
<td>29,494</td>
</tr>
<tr>
<td>Amazon (movies)</td>
<td>5</td>
<td>80</td>
</tr>
<tr>
<td>Amazon (books, past 30 days)</td>
<td>16</td>
<td>177</td>
</tr>
<tr>
<td>Amazon (books, past 90 days)</td>
<td>47</td>
<td>603</td>
</tr>
<tr>
<td>Amazon (books, coming soon)</td>
<td>10</td>
<td>87</td>
</tr>
<tr>
<td>Dissertations with Subject in Title*</td>
<td>95</td>
<td>835</td>
</tr>
</tbody>
</table>
What does this mean?

- Not much information on elder abuse is available.
Figure 1. Current and Needed Knowledge for Adult Protective Services Staff

<table>
<thead>
<tr>
<th>Area of Knowledge</th>
<th>Level of Staff Knowledge</th>
</tr>
</thead>
<tbody>
<tr>
<td>needed</td>
<td>current</td>
</tr>
<tr>
<td>intervention with perps</td>
<td></td>
</tr>
<tr>
<td>mental health complications</td>
<td></td>
</tr>
<tr>
<td>planning for own safety</td>
<td></td>
</tr>
<tr>
<td>communicating signs of lethality</td>
<td></td>
</tr>
<tr>
<td>elder abuse victim special needs</td>
<td></td>
</tr>
<tr>
<td>identifying dv indicators</td>
<td></td>
</tr>
<tr>
<td>impact of dv on children</td>
<td></td>
</tr>
<tr>
<td>developing rapport w/ family</td>
<td></td>
</tr>
<tr>
<td>coping skills for dv work</td>
<td></td>
</tr>
<tr>
<td>talking w/ child witnesses</td>
<td></td>
</tr>
<tr>
<td>developing safety plan</td>
<td></td>
</tr>
<tr>
<td>talking w/ dv victim</td>
<td></td>
</tr>
<tr>
<td>working w/ court to assist victim</td>
<td></td>
</tr>
<tr>
<td>obtaining protective order</td>
<td></td>
</tr>
<tr>
<td>mental health care for victim</td>
<td></td>
</tr>
<tr>
<td>VA laws/legal options in dv</td>
<td></td>
</tr>
<tr>
<td>dynamics of dv</td>
<td></td>
</tr>
<tr>
<td>access police/legal options in dv</td>
<td></td>
</tr>
<tr>
<td>working w/ police</td>
<td></td>
</tr>
<tr>
<td>assist victim w/legal barriers</td>
<td></td>
</tr>
<tr>
<td>testify in court</td>
<td></td>
</tr>
<tr>
<td>obtain victim medical care</td>
<td></td>
</tr>
<tr>
<td>document dw in victim records</td>
<td></td>
</tr>
<tr>
<td>obtain victim perspectives on dv</td>
<td></td>
</tr>
<tr>
<td>impact of dv on employment</td>
<td></td>
</tr>
</tbody>
</table>
The basic dynamics of elder abuse.

Theoretical perspectives on elder abuse

Indicators that may identify elder abuse

Documenting elder abuse in incident report

Interviewing victims of elder abuse

Interviewing older witnesses of elder abuse

Intervening with perpetrators of violence

Communicating warning signs of abuser

The availability of protective services in elder abuse

Coping with emotions encountered when working with elder abuse

Obtaining needed medical care for victims

Obtaining needed mental health care for victims

Intervening with individuals who have Alzheimer’s disease

Gathering evidence in elder abuse cases

State laws and legal options available in elder abuse

Accessing adult protective services to assist victims

Interviewing persons with Alzheimers disease

Information about mandatory reporting laws

Enforcing failure to report laws

Information about abuses in nursing homes

Gathering evidence in patient abuse cases

Working with community based services to assist victims

Working with Social Services to assist victims

Enforcing failure to report laws

Obtaining a protection order for victims

Working with community based services to assist victims

Working with Social Services to assist victims

Information about mandatory reporting laws

Information about abuses in nursing homes

Enforcing failure to report laws
Problems Confronted Responding to Elder Abuse

- Funding
- Awareness
- Fear of reporting
- Delays in reporting
- Complexity
- Court obstacles
- Minor losses
- Offender sympathy
- Ageism
- Secrecy

Photo credit: https://commons.wikimedia.org/wiki/File:Let_me_tell_you_a_secret.jpg
More problems responding to elder abuse

- **Time**
- **Proof problems**
  - Proving crime occurred
  - Proving intent
  - Proving victim competence
- **Witness problems**
  - Memory problems
  - Cognitive problems
  - Relational issues
- **Legal Issues**

Photo source: https://commons.wikimedia.org/wiki/Category:Nursing_homes_in_the_United_States#/media/File:Mother_and_son_holding_hands.JPG
Laws Related to Elder Abuse

- Protective order statutes
- Adult protective services (APS) statutes
- Guardianship laws
- State health care and nursing home licensing laws
- Medicare/Medicaid laws
- Specific elder abuse laws
- Long-term care ombudsmen laws
- Traditional criminal laws
- Penalty enhancement laws
- Mandated reporting laws

Photo credit: https://commons.wikimedia.org/wiki/File:Miles_Ehrlich,_judge.jpg
How many incidents of elder physical and emotional abuse are reported to your agency?

What proportion constitutes physical abuse?

What type and degree of harm is being caused to elders in these incidents?

What proportion of cases involves isolated abuse incidents? What proportion involves repeated abuse?

What percentage of all crime victims are over the age of 60?

What are the dynamics surrounding cases involving elder physical and emotional abuse?

How many reports of elder abuse do adult protective services receive?

Law Enforcement Assessment (Part 2)

- What percentage of residents in your community is elderly? What is the age breakdown of older residents?
- What proportion of elder abuse victims are married?
- What proportion of elder abuse victims live in a private residence? What proportion of those are in single-family houses? Apartments?
- What proportion of elder abuse victims live alone?
- What proportion of elder abuse victims suffer from a mental illness, such as Alzheimer’s disease or a related form of dementia?
- Which groups (health care providers, advocates, family members of victims, victims, or others) report elder abuse most often to police and APS?
Community Assessment

- Are there enough long-term care services available in your community to meet the demand? Are APS resources adequate for the caseload?
- Does APS routinely contact the police about reports it receives of suspected elder abuse?
- Are there specific laws about elder abuse in your state?
- What resources are available to help caregivers of older persons in your community? What resources are available to help older persons receiving care in your community?
- What strategies does your agency use to reduce the isolation of older persons in your community?
- What procedures are in place for police officers assigned to investigate elder abuse reports? What training do investigating officers receive in elder abuse? Do your officers know how to contact APS officials?
- Are there penalty enhancement statutes for cases involving older victims in your state? What types of programs are available for seniors in your community? Does your community have Meals on Wheels, adult day care, or similar programs?

Photo credit:
Community Assessment (Part 2)

- What domestic violence shelters are able to help elder abuse victims effectively?
- Other than arrest, what alternatives do police officers have in elder abuse cases?
- Are your victim specialists adequately trained to help older victims?
- Does your department have a strong working relationship with social services?
- Are specific officers or a special unit in your department assigned to elder abuse cases?
- What types of outreach does your department use to increase awareness?
- Does your agency track repeat elder abusers?
- Does your agency have a system for checking in on vulnerable older adults?
- Has your agency executed collaboration agreements with other agencies governing response to elder physical and emotional abuse?
- How often do officers in your department accompany APS workers on APS calls?
- Do mandatory reporting laws exist in your state? Who are the mandated reporters? Are police officers mandated reporters?
## Responses to Elder Abuse

<table>
<thead>
<tr>
<th>General Considerations</th>
<th>Specific Effective Responses</th>
<th>Ineffective Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Improving police understanding of elder abuse</td>
<td>Checking on elderly people at home</td>
<td>Laws and policies passed in isolation</td>
</tr>
<tr>
<td>Developing policies and protocols communicating importance</td>
<td>Undertaking community outreach</td>
<td>Mandatory arrest and prosecution policies</td>
</tr>
<tr>
<td>Promoting collaboration</td>
<td>Participating in EA centers</td>
<td>Punishing older offenders with Alzheimer’s and dementia</td>
</tr>
<tr>
<td>Customizing police responses</td>
<td>Checking backgrounds of caregivers</td>
<td></td>
</tr>
<tr>
<td>Reducing general community and cultural risk factors</td>
<td>Developing elder abuse fatality review teams</td>
<td>Child abuse models</td>
</tr>
</tbody>
</table>
Tips for Responding to Elder Abuse Cases

- Search for smoking gun.
- Where there is one, there are usually two (offenders or offenses).
- Work with the least culpable suspect first.
- Identify goals of case (might not be arrest or prosecution).
- Work with APS—Collaborate!!
Principles of Collaboration

(1) Communication, (2) objectivity, (3) leadership, (4) listening, (5) awareness, (6) boundary flexibility, (7) objectives, (8) research, (9) advocacy, (10) trust, (11) improvement, (12) openness, and (13) new strategies.
Speaking of New Strategies...

Communication
Objectivity
Leadership
Listening
Awareness
Boundary flexibility
Objectives
Research
Advocacy
Trust
Improved relationships should be goal
Openness
New strategies
Sources


The Elder Abuse Investigation

Detective Mike Day
Vancouver Police Department
Elder Justice Center
OVERVIEW

- Definitions
- Patrol
- Adult Protective Services (APS)
- Elder Justice Center
DEFINITIONS

- Vulnerable Adult WA State RCW 74.34.020:
  - a. 60 years of age or older who has the functional, mental, or physical inability to care for himself or herself; or
  - b. Found incapacitated under chapter 11.88 RCW; or
  - c. Who has a developmental disability as defined under RCW 71A.10.020; or
  - d. Admitted to any facility.
DEFINITIONS

• Fiduciary
  • “An individual in whom another has placed the utmost trust and confidence to manage and protect property or money. The relationship wherein one person has an obligation to act for another’s benefit.” (thefreedictionary.com)
DEFINITIONS

• Power of Attorney
  • A power of attorney (POA) is a written authorization to represent or act on another's behalf in private affairs, business, or some other legal matter, sometimes against the wishes of the other. The person authorizing the other to act is the principal, grantor, or donor (of the power). The one authorized to act is the attorney-in-fact (attorney for short). (Wikipedia)
DEFINITIONS

- Guardianship
  - Guardian/Guardian ad litem
    - “...is an individual appointed by the court to represent the best interests of a child or incapacitated person involved in a case in superior court.” (Washington Courts)
  - Guardian/Guardian ad litem
    - May be someone who is a family member/lay person or certified professional guardian.
DEFINITIONS

- **Vulnerable Adult Protection Order (VAPO)**
  - Court order is brought on by the vulnerable adult or their guardian/caretaker.
  - Court authorizes full protection order for up to 5 years with provisions of no direct/third party contact and to remain a specified distance away from the house, work, or school of the vulnerable adult.
  - Violation of the order by the suspect is an automatic arrest.
PATROL

- Call is received via 911
  - Elderly – 60 years of age or older
  - Vulnerable adult
- A patrol officer is dispatched to investigate
- Civil issue or criminal investigation
- Safety of victim
PATROL

- Initial investigation by patrol officer
  - Assault – intent/cognitive ability
  - Theft – what authority does the suspect have
  - Neglect – are the basic necessities of life being provided
  - Exploitation – what influence or control does the suspect have, e.g., POA, guardian, caregiver
  - Sexual Assault – is the suspect a relative, caregiver, or person in authority
PATROL

- What documentation is needed?
  - Report will be completed, regardless if call was substantiated or not
- Notification to Adult Protective Services
  - Telephone call
  - FAX report
- Report forwarded to Major Crimes
ADULT PROTECTIVE SERVICES

- Reporting party notifies APS.
- Referral is generated and will be sent to law enforcement if there is a criminal component.
- APS investigator will have 24 hours, 5 days, or 10 days to initially meet with the alleged victim (AV).
- Coordination between law enforcement and Adult Protective Services.
RESOURCES

• Adult Protective Services
• Senior Resource Alliance seniorresourcealliance.org
• National Council on Aging ncoa.org
• YWCA ywca.org
• Lutheran Community Services lcsnw.org
• Lifeline Connections lifelineconnections.org
ELDER JUSTICE CENTER

• Created in 2011 and is composed of—
  • Clark County Prosecuting Attorney
  • Vancouver Police Department Detective
  • Adult Protective Services Investigators
  • Victim Advocate

• APS referrals or patrol reports
• Investigations completed and submitted to the prosecuting attorney
Questions & Suggestions

Suggestions can be emailed to elder.justice@usdoj.gov