



# Law Enforcement Series

JUNE 26, 2017

DEPARTMENT OF JUSTICE  
**ElderJustice**  
INITIATIVE



**OVCTTAC**  
OFFICE FOR VICTIMS OF CRIME Training and Technical Assistance Center



# TECHNICAL OVERVIEW

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- 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](mailto: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](#)

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[Elder Abuse Sample Protocols and State Statutes](#)

[Sexual Abuse](#)

[Investigating Elder Abuse](#)

[Physical and Emotional Abuse](#)

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# IN DEVELOPMENT

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- 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

## Presenter

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Brian Payne, Ph.D.  
Vice Provost  
Old Dominion University  
Norfolk, VA

Law Enforcement Research

## Presenter

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

Law Enforcement Practice





**OLD DOMINION**  
UNIVERSITY

IDEA FUSION

# Law Enforcement Research and Elder Abuse

Brian K. Payne, Ph.D.  
Vice Provost

# Poll Question #1

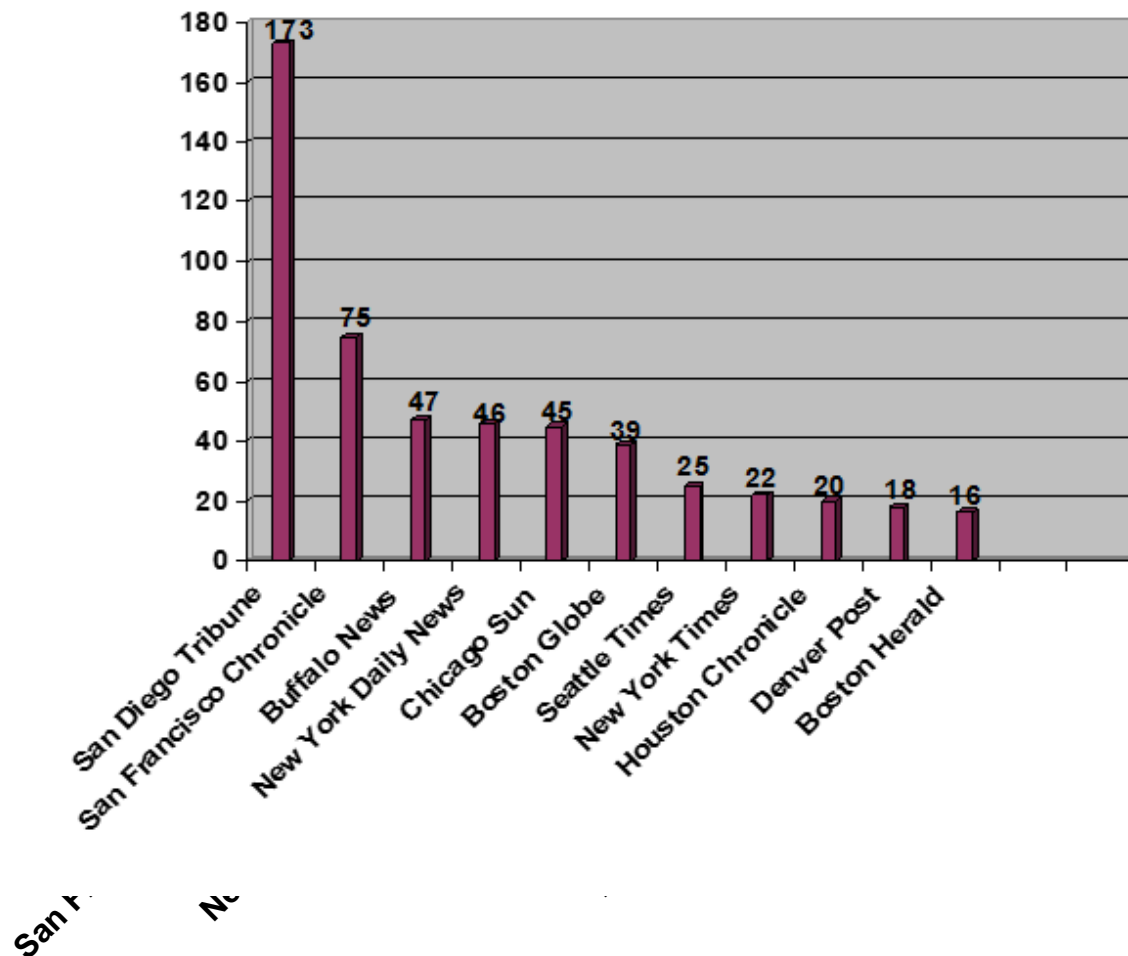


# Objectives

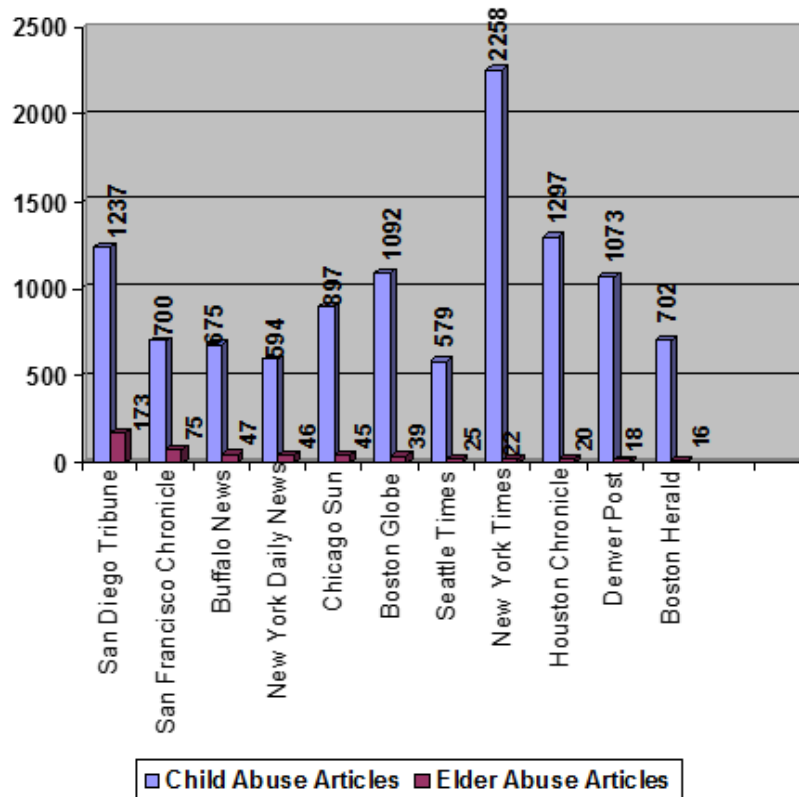
After this presentation, attendees will be able to:

- 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



■ Child Abuse Articles ■ Elder Abuse Articles



# Comparison of Child Abuse and Elder Abuse Hits in Various Searches (February 2016)

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

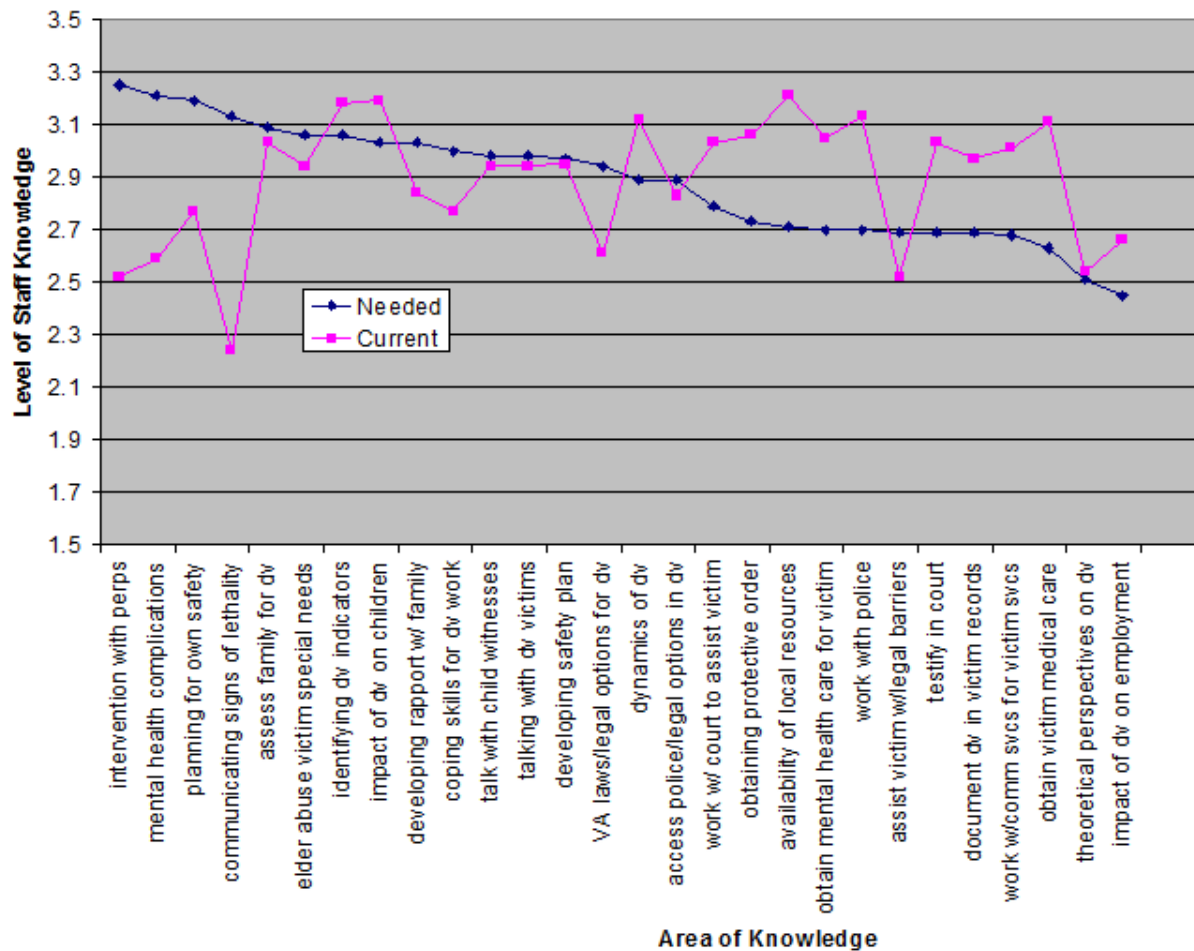


# What does this mean?

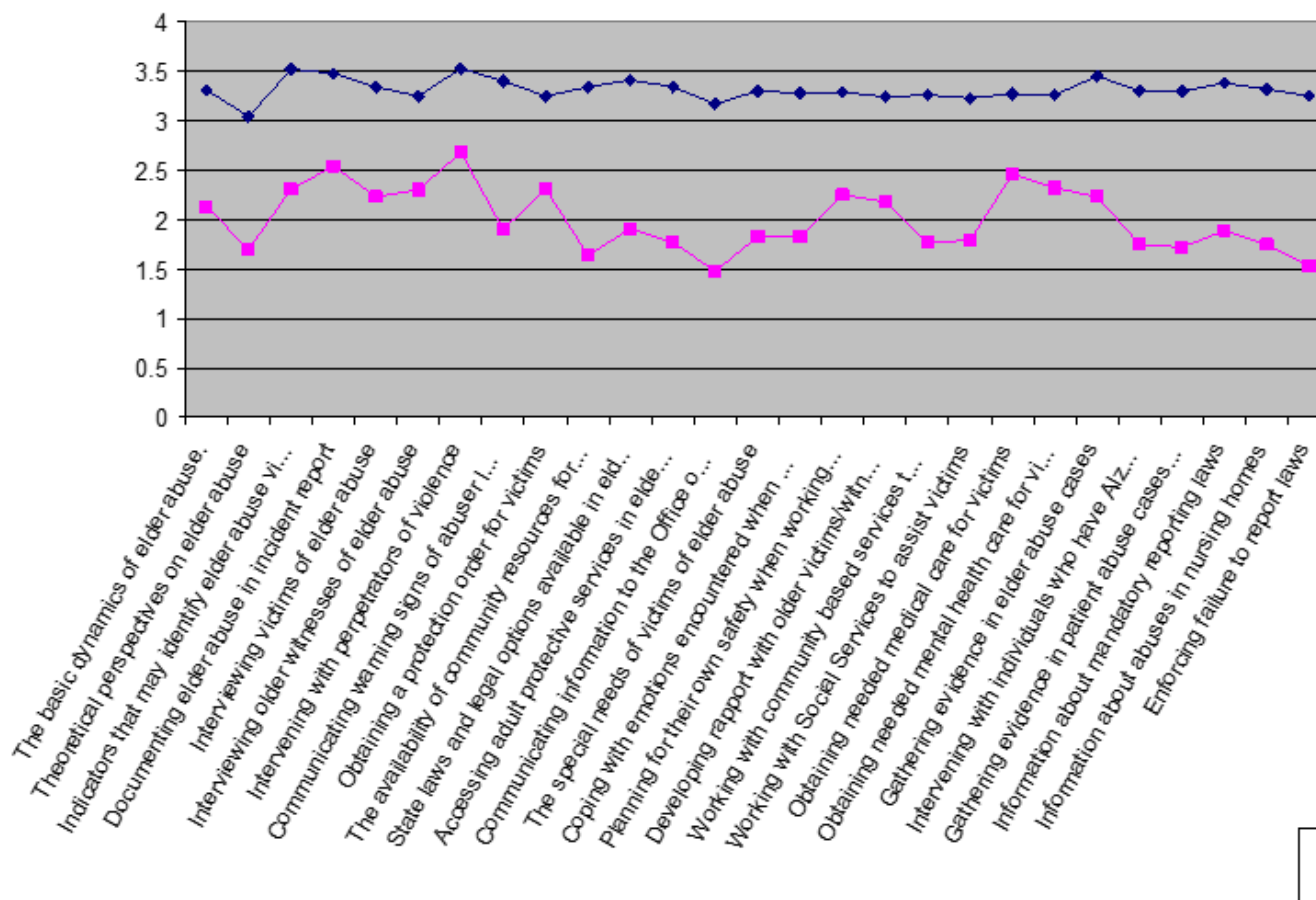
- Not much information on elder abuse is available.



**Figure 1. Current and Needed Knowledge for Adult Protective Services Staff**



# Needed and Possessed Knowledge of Police Officers



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Theoretic  
Indic

# Problems Confronted Responding to Elder Abuse

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



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# More problems responding to elder abuse



Photo source:

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

# 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



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# Law Enforcement Assessment (Part 1)

- 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?



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# 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?



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# 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?



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# 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

General Considerations	Specific Effective Responses	Ineffective Responses
Improving police understanding of elder abuse	Checking on elderly people at home	Laws and policies passed in isolation
Developing policies and protocols communicating importance	Undertaking community outreach	Mandatory arrest and prosecution policies
Promoting collaboration	Participating in EA centers	Punishing older offenders with Alzheimer's and dementia
Customizing police responses	Checking backgrounds of caregivers	
Reducing general community and cultural risk factors	Developing elder abuse fatality review teams	

# 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

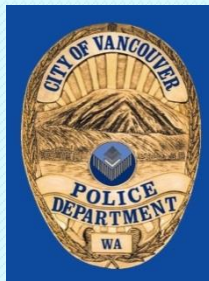


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- Payne, Brian K. (2013). Physical and emotional abuse of the elderly. Center for Problem Oriented Policing. Available online at [http://www.popcenter.org/problems/elderly\\_abuse](http://www.popcenter.org/problems/elderly_abuse).
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# 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](http://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.

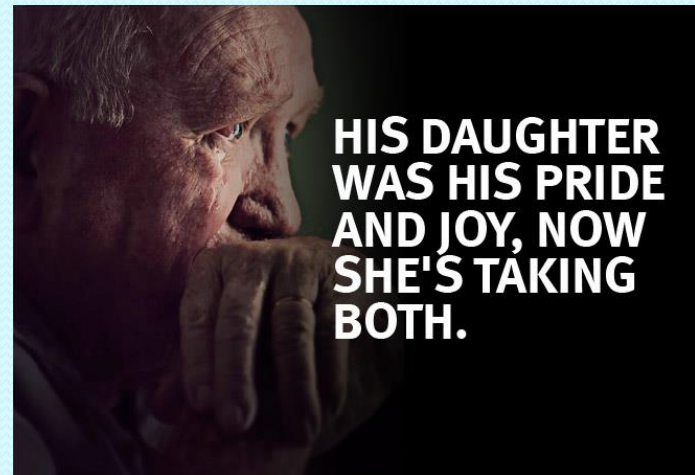


# DEFINITIONS

- **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](http://seniorresourcealliance.org)
- National Council on Aging [ncoa.org](http://ncoa.org)
- YWCA [ywca.org](http://ywca.org)
- Lutheran Community Services [lcsnw.org](http://lcsnw.org)
- Lifeline Connections [lifelineconnections.org](http://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

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# Questions & Suggestions

Suggestions can be emailed to  
**[elder.justice@usdoj.gov](mailto:elder.justice@usdoj.gov)**

