

OFFICE OF THE CHIEF OF POLICE

ADMINISTRATIVE ORDER NO. 1

January 8, 2021

SUBJECT: ELDER/DEPENDENT ADULT PHYSICAL AND FIDUCIARY ABUSE – DEFINITIONS – REVISED AND RENAMED

PURPOSE: This Order revises and renames Department Manual Section 4/209.01, *Elder/Dependent Adult Physical and Fiduciary Abuse – Definitions*, to conform with recent changes to California Penal Code Section 368.5.

PROCEDURE: Department Manual Section 4/209.01, *Elder/Dependent Adult Physical and Fiduciary Abuse – Definitions*, has been revised and renamed, *Elder/Dependent Adult Physical and Financial Abuse – Definitions*. Attached is the revised Department Manual section with revisions indicated in italics.

AMENDMENT: This Order amends Section 4/209.01 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Audit Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.



MICHEL R. MOORE
Chief of Police

Attachment

DISTRIBUTION "D"

DEPARTMENT MANUAL
VOLUME IV
Revised by Administrative Order No. 1 , 2021

209.01 ELDER/DEPENDENT ADULT PHYSICAL AND FINANCIAL ABUSE – DEFINITIONS.

Elder. Any person 65 years of age or older.

Dependent Adult. Any person between the ages of 18 and 64 years, who has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. A "dependent adult" includes any person who has been admitted as an in-patient to a 24-hour health care facility, as defined in Health and Safety Code Section 1250, 1250.2, and 1250.3.

Care Custodian. Any person who has the care, custody, control of, or who stands in a position of trust, with an elder or a dependent adult.

Elder/Dependent Adult Abuse (General). Elder/dependent adult abuse is defined as physical abuse, neglect, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering; or, the deprivation by a care *custodian* of goods or services that are necessary to avoid physical harm or mental suffering; *or, financial abuse.*

The terms “abandonment,” “abduction,” “financial abuse,” “goods and services necessary to avoid physical harm or mental suffering,” “isolation,” “mental suffering,” “neglect,” and “physical abuse” have the same meanings as in Welfare and Institutions Code Sections 15610, et seq.

Elder/Dependent Adult Abuse (Great Bodily Injury Not Likely). *A person who knows or reasonably should know that a person is an elder or dependent adult and who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any elder or dependent adult, willfully causes or permits the person or health of the elder or dependent adult to be injured or willfully causes or permits the elder or dependent adult to be placed in a situation in which his or her person or health may be endangered, is in violation of California Penal Code Section 368(c).*

False Imprisonment of an Elder/Dependent Adult. *A person who commits the false imprisonment of an elder or a dependent adult by the use of violence, menace, fraud, or deceit is in violation of California Penal Code Section 368(f).*

Elder/Dependent Adult Financial Abuse. When any person violates any provision of law prohibiting theft or embezzlement of any property that they know, or should know, belongs to an elder/dependent adult.

Note: Local law enforcement agencies have the responsibility for criminal investigations of elder/dependent adult abuse and criminal neglect. Adult Protective Services (APS) and the Long-Term Care Ombudsman Program (LTCOP) have the authority to investigate incidents of elder/dependent adult abuse and neglect. If requested, APS or the LTCOP may assist enforcement agencies with criminal investigations.