



TRAINING BULLETIN

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Jim McDonnell, Chief of Police

ELDER AND DEPENDENT ADULT ABUSE

As people age, they may lose some of their mental and physical faculties, making them more susceptible to abuse. Elder and dependent adult abuse can be perpetrated by anyone, including a caretaker, neighbor, friend, stranger, or a family member. This abuse can result in severe emotional distress, the loss of a lifetime of savings, injury, or even death. This Training Bulletin will clarify the duty of an officer who becomes aware that elder or dependent adult abuse is, or might be, occurring.

Elder and Dependent Defined

An *elder* is defined as any person age 65 or older. A *dependent adult* is anyone, regardless of whether the person lives independently, between the ages of 18-64 who has physical or mental limitations which restrict his or her ability to carry out normal activities or to protect his or her rights. This also includes people who have physical or developmental disabilities, or physical or mental abilities that have diminished because of age.

Mandated Reporters

Welfare and Institutions Code (WIC) Section 15630 designates police officers as mandated reporters. A mandated reporter is required to report known or suspected elder or dependent adult abuse to the appropriate law enforcement agency, Adult Protective Services (APS), and if applicable, the regulatory agency. *Abuse* includes physical abuse, sexual abuse, abandonment, isolation, financial abuse, or neglect (including self-neglect).

If a mandated reporter fails to report known or suspected elder or dependent adult abuse, they are guilty of a misdemeanor. The law provides that mandated reporters shall not incur either criminal or civil liability for any report which they are required or permitted to make under law. All reports of elder or dependent adult abuse are confidential and may be disclosed only to the agencies specified. Violation of the confidentiality provisions is a misdemeanor. Information can be released to APS or other mandated reporting agencies without violating confidentiality laws.

Laws

Penal Code Section 368 was established to protect elders and dependent adults from physical abuse, neglect, and financial abuse. The suspect must know or reasonably

should know that the victim is an elder or dependent adult when the crime is committed. If another crime has been committed in conjunction with elder or dependent adult abuse, officers shall follow established Department policies for which crime to book the arrestee.

Penal Code Section 368.5 defines elder and dependent adult abuse as physical abuse, neglect, abandonment, isolation, or other treatment that results in physical harm or pain, or mental suffering. It also includes the deprivation by care custodians of goods or services necessary to avoid physical harm or mental suffering, or financial abuse. Elder and dependent adult fiduciary abuse is defined as theft or embezzlement of any property that a person knows, or should know, belonging to an elder or dependent adult.

Responsibilities of First Responders

Officers should always be looking for signs of abuse; calls for service such as family disputes may also involve elder or dependent adult abuse. Officers need to be able to identify possible abuse – some signs of abuse be overt, but others are often subtler. The attached chart will help clarify what signs may be present at incidents of elder and dependent adult abuse. Cases of suspected elder and dependent adult abuse shall be recorded by the officer first coming in contact with the suspected victim or when receiving information from any source that someone might be a victim of abuse.

Officers conducting an investigation should treat the elder or dependent adult with sensitivity and recognize the reluctance of these victims to come forward. As is often the case with domestic violence, victims may resist reporting the crime due to fear of retribution or isolation. This is especially true when the suspect is a family member or a close friend. Consequently, officers should interview the victim alone and record any apprehensions. Even if the victim does not want a crime report completed, or does not wish to prosecute, but it appears as if a crime has been committed, officers shall still complete the appropriate reports and notifications. Arrangements can be made through APS to place the victim in an emergency shelter.

Notifications

In **all** cases of suspected elder or dependent adult abuse, officers shall:

- Conduct a preliminary investigation;
- Complete a Report of Suspected Dependent Adult/Elder Abuse, State of California (SOC) 341;
- Complete the required Department Report(s);
- Document in the narrative of all reports that a SOC 341 was completed;
- Send the completed SOC 341 to the appropriate agency(ies) prior to the officer's end of watch;
- Document in the narrative of all reports the name(s) of the mandated agency(ies) notified;

- Ensure that victims have transportation to an appropriate emergency shelter and/or referral information to the appropriate service agencies; and,
- Initiate commitment of victims pursuant to Section 5150 of the WIC, when necessary.

Note: All elder or dependent adult abuse reports involving serious bodily injury shall be completed and approved within two hours after completing the investigation. Reports that do not involve serious bodily injury shall be completed and approved within 24 hours after completing the investigation.

Officers are required to telephonically notify the APS Elder Abuse Hotline and any licensing agency of the incident immediately or as soon as practicable. Upon completion of the online APS report, document the six-digit Intake Identification Number provided on all related reports. Besides completing any applicable Department reports, officers shall complete the SOC Form 341 and forward it to the appropriate APS office within two working days. Additionally, officers shall notify the agency with jurisdiction, or if LAPD, the division of occurrence, by faxing the SOC Form 341 within two working days. If the incident occurred at a licensed care facility, the SOC Form 341 shall be faxed to the licensing agencies within two working days. It is recommended that officers complete and forward this form prior to their end of watch to ensure timely notification and prevent a violation of Department policy and State law.

Note: Local law enforcement agencies have the responsibility for criminal investigations of elder and dependent adult abuse and criminal neglect; however, adult protective services agencies and long-term care ombudsman programs have authority to investigate incidents of elder and dependent adult abuse and neglect and may, if requested and consistent with federal law, assist law enforcement agencies with criminal investigations.

CONCLUSION

It is incumbent upon officers to protect the most vulnerable members of our society, in keeping with our core value of Service to our Communities. To accomplish this, it is imperative for officers to be able to identify signs of elder and dependent adult abuse. Once the abuse is identified, timely and proper notifications help ensure that the abuse does not continue.

This Bulletin cancels and supersedes Volume L, Issue 2, Elder and Dependent Adult Abuse, February 2021

Field Training Services Unit
Police Training and Education Group

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Signs of Abuse	Section(s) Violated
<p>False Imprisonment</p> <ul style="list-style-type: none"> Denying necessary aids (glasses, cane, walker, etc.) Evidence of restraint (lock on outside of a door, rope/handcuff marks on wrists or ankles, etc.) 	<p>368(f): False imprisonment by use of violence, menace, fraud, or deceit</p>
<p>Financial</p> <ul style="list-style-type: none"> Bills not paid as normal; failure to deliver/overpaying for services Forged/suspicious signatures on documents Lack of amenities that can be afforded Missing property or checks (pension, social security, etc.) New or recently revised power of attorney or will New acquaintances with interests in assets or residing with elder/dependent adult Promise of lifelong care in exchange for signing over property Unusual activity in bank account or credit cards 	<p>368(d): Theft, embezzlement, forgery, or fraud by non-caretaker</p> <p>368(e): Theft, embezzlement, forgery, or fraud by caretaker</p> <ul style="list-style-type: none"> ✓ Misdemeanor \$950.00 or less ✓ Felony exceeds \$950.00 ✓ Additional crimes may include: identity theft, forged documents, etc.
<p>Neglect</p> <ul style="list-style-type: none"> Absence of food, water, heat, needed medication, needed aids (cane, glasses, dentures) or appropriate clothing Isolated or found wandering away from home Poor hygiene, injuries, untreated sores, overgrown finger/toe nails Unexplained weight loss 	<p>Same subsections for physical abuse and neglect:</p> <p>368(b)(1): If great bodily harm or death is likely</p> <p>368(c): If great bodily harm or death is not likely</p> <p>Either willfully causes or permits:</p> <ul style="list-style-type: none"> ✓ Suffer, or inflict unjustifiable physical pain ✓ Mental suffering
<p>Physical</p> <ul style="list-style-type: none"> Frequent need of emergency care and/or changing of doctors Repeat injuries; poor explanation for injuries Signs of trauma (bruises, lacerations, burns, broken bones) Unexpected deterioration of health 	<p>Or having care or custody willfully causes or permits:</p> <ul style="list-style-type: none"> ✓ Injury ✓ Placed in situation that endangers health (neglect)
<p>Sexual</p> <ul style="list-style-type: none"> Extreme reaction to being examined, changed or bathed Intense fear reaction to an individual or people in general Nightmares, sleep disturbance Venereal disease, infection or injury around genitalia 	<p>Penal Code sections that apply:</p> <p>243.4: Sexual battery</p> <p>261: Rape</p> <p>286: Sodomy</p> <p>288(a): Oral copulation</p> <p>289: Penetration with a foreign object</p>

Additional Observations

- Dominance over elder or dependent adult; removes victim from a care facility.
- Isolation of victim from family members and friends.
- Hostile towards interviewer and/or always present during interviews and/or trying to speak for victim.

Agency	Phone Number	Other Contact Information	Reason to Call
Adult Protective Services	Elder Abuse Hotline: (Mandated Reporting) (877) 477-3646 In L.A. County: (888) 202-4248 Outside L.A. County: (213) 351-5401	Online reporting/ APS Web Intake: https://hsslacountyprod.wellsky.com/assessments/?WebIntake=A6DCB64F-7D31-4B6D-88D6-0A8FA7EA505F (Document Intake ID No. at the completion of form and all related reports)	All suspected cases of elder and dependent adult abuse and neglect
Health Licensing Division	(800) 228-1019	N/A	Possible abuse in a licensed health facility (e.g., clinics, acute general hospitals, facilities for developmentally disabled, nursing homes, psychiatric hospitals, etc.)
CA Department of Health Care Services	Medi-Cal Fraud: (800) 822-6222 Nursing Home Complaints: (800) 236-9747 Partnership for Long-Term Care: (800) 227-3445	N/A	Possible abuse at a Community Care Center . Non-medical facilities (e.g., adult residential facilities, group homes, etc.) Licenses and regulates various public health and medical care services, including Medi-Cal, nursing homes and long-term care
CA Department of Social Services	(800) 722-0432	https://www.cdss.ca.gov/	Information about various social services, including: food, transportation, housing, health, residential care, day care, disaster services, refugee services, and in-home care
Long-Term Care Ombudsman Program	(800) 334-9473	Fax: (310) 395-4090	Possible abuse at a long-term care facility . Medical/non-medical long-term care of elder adults with physical and mental disabilities (e.g., adult day care, residential facilities, etc.)
Elder Abuse Guide for Law Enforcement (EAGLE)	Email: eaglehelp@usc.edu	Website: https://eagle.usc.edu/	The tools you need to serve and safeguard older adults in your community.