

San Bernardino County Sheriff

Elder Abuse Investigation

Expanded Course Outline

(NOTE- the Learning Activities in this expanded course outline are specifically placed to support the instruction process)

I. Registration/Introduction

A. Introduction

1. Introduce the instructor

- a. Provide information on the instructor's resume
- b. Provide expectations for the class

2. Self-Introduction of the students

- a. Provide information on the students to the class as a whole
- b. Provide information on the experience level of the students in the class

B. Course Objectives

1. To provide training on investigating elder abuse cases, including the writing of the criminal report

2. To provide training on interviewing the victim and suspect to produce better articulation of the crime

3. To provide students with the skills needed to effectively investigate a crime that leads to increased criminal prosecution

4. To provide officers with the information needed to assist in preventing elder abuse, and referring victims and family members to resources for assistance

5. To provide additional skills in identifying and investigating financial abuse

II. Elder Abuse

LEARNING ACTIVITY #1: Students will work in groups. Each group will be given a Penal Code section that is common in elder abuse investigations. The students will be able to use any other resources that are available to research the code and brief the class on the elements of the assigned crime.

A. Define the violation

1. Common Penal Codes

- a. PC368(a)- preamble to the code. The legislature recognizes the special needs of this group of victims
- b. PC368(b)(1)- Physical abuse of an elder where GBI is likely- Felony
- c. PC368(C)- Physical abuse or neglect of an elder, no GBI- Misdemeanor
- d. PC368(d)(1)- Financial abuse of an elder where suspect is not a caretaker, with a loss greater than \$950- Felony
- e. PC368(e)(1)- Financial abuse of an elder by a caretaker, with a loss greater than \$950- Felony
- f. PC368(f)- False Imprisonment of an elder by violence- Felony
- g. PC422- Criminal threats- Misdemeanor/Felony
- h. PC459- Burglary- Felony
- i. PC422- Criminal threats- Felony
- j. PC136.1- Witness intimidation- Misdemeanor/Felony
- k. PC237- False imprisonment, no force- Misdemeanor
- l. PC243.35- Battery on elder, simple assault- Misdemeanor

B. Definitions

1. An elder is an adult over 65 years of age
2. A dependent adult is an adult, aged 18-64 years who has been admitted as an inpatient to a 24-hour health facility
3. A caretaker is any person who has the care, custody, or control of, or who stands in a position of trust with, an elder or dependent adult
4. A family member is someone related to the elder, usually a child or a grandchild

III. Behavior of the victim

LEARNING ACTIVITY #2: Students will work in a group. They will describe the actions or behaviors they would expect to see, or look for, when contacting an elder who may be the victim of abuse. If applicable, address any stigmas attached to the behavior that was described.

A. Common myths and misconceptions of elderly victims

1. Elderly people are terrible witnesses
 - a. Many elderly people suffer from diminished mental capacity making them difficult victims and witnesses
 - b. The officer and prosecutor need to take the time to create rapport with the elder, and be patient with the process to gain a successful outcome

c. Depending on the generation of the elder, many are less likely to commit perjury, they take court seriously, and are respectful, making them excellent witnesses

d. Having an advocate on hand to assist the elder during this process may help the victim when it is time to testify in court

2. Most elderly victims are female, a male can protect himself

a. Statistics are approximately even across the board between male and female victims

b. Most likely the actual statistics will show males are victims more often since there is a lack of reporting issue with elder males being reluctant to report the abuse

B. Why do elderly victims not report the crime

1. Shame and embarrassment

a. The suspect is often a child or a grandchild

b. The elder does not want to be unable to care for him/herself

2. The victim is concerned that exposure will lead to loss

a. The elder may be forced into assisted living

b. The elder may lose family members

1. Incarceration of the suspect relative

2. Exile of the elder from the rest of the family

c. The elder may lose independence due to loss of caretaker

d. The elder may fear a conservatorship or judgement will be issued against him/her

3. Reporting may be accompanied by threats from the suspect

a. Suspect may tell the elder he/she will have to live in a home

b. Suspect may make threats of physical harm to the elder for reporting

4. Law enforcement's role

a. Victims often feel like law enforcement overlooks them, does not believe them, discounts them, and have forgotten about them

b. Similar to domestic violence cases, law enforcement often has to respond to a location several times before the victim will disclose abuse

c. Rapport building with the victim is important to disclosure

C. Reasons why the victim enables the suspect to continue to commit the crime

1. The elder will be perceived as a failure
 - a. If the abuser is a child or grandchild, people will judge the elder for raising “someone like that”
 - b. The elder is a failure for allowing him/herself to be a victim to anyone
 - c. The elder will be a failure for hiring a poor nurse or health aid
 - d. The elder will feel like a failure for not being able to take care of him/herself
2. The parent/child relationship was always troubled
 - a. There is often history of co-dependence
 - b. The victim and suspect have been involved in a cycle of abuse for years
 - c. Often the elder was an abusive parent when the suspect was a child
 - d. The child/suspect may have had mental health or substance abuse issues that the elder covered up for years
 - i. As the elder begins to age and “slip”, he/she cannot cover for the suspect anymore
 - ii. When the suspect begins to “slip”, he/she may take it out on the elder for not covering for them anymore
3. The elder will cover for the suspect
 - a. The elder will move into “protection mode” to try to keep the suspect out of jail
 - b. The elder does not want to be blamed for the suspect going to jail

IV. Physical Abuse

LEARNING ACTIVITY #3 (Case Study initial): The students will work in groups. Each group will be given a scenario commonly encountered on patrol involving an elder. These scenarios will include information regarding the behavior, or physical condition, about the elder that the officer may notice. As a group, the students will evaluate the behavior or potential injuries they witness and determine if it is an indicator of abuse, and prepare a plan to investigate.

A. How to identify signs of physical abuse

1. Unexplained injuries
 - a. Bruises
 - b. Welts
 - c. Sores
2. Broken bones

3. Signs of being restrained
 - a. Rope marks on wrists
 - b. Marks on chest or shoulders
4. Broken eye glasses or frames
5. Appearance of pain
 - a. Favoring a body part
 - b. Moving slowly
 - c. Wincing or flinching

LEARNING ACTIVITY #4 (Case Study continue): Using the same scenario provided to the groups in **LEARNING ACTIVITY #3**, the students will list questions they would ask the potential suspect reference the injury or behavior they see in the elder. The groups will present the questions they would ask the suspect to the class. Then the students will give their list to the group next to them. The next group will attempt to come up with a list of justifications a suspect may provide when asked the question about the cause of elder's injury.

B. Suspect justification/defense

1. Accidental injury
 - a. The elder is clumsy caused injury to his/herself
 - b. The suspect accidentally caused the injury without intent to cause harm
2. The victim caused the suspect to react
 - a. The victim did not do something the suspect wanted him/her to do
 - b. The victim intentionally did something to upset the suspect
 - c. The victim started a mutual combat situation
3. The suspect reacted to stress
 - a. The suspect claimed the victim is too hard to care for
 - b. The suspect stated he/she just could not handle the victim anymore
 - c. The suspect was too tired to take care of the victim
4. The suspect learned the act from the suspect
 - a. Allegations of child abuse from the victim when the suspect was young
 - b. The suspect is using the elder's infirmities to facilitate revenge
 - c. The suspect believes the victim deserves the abuse as a result of child abuse

d. The suspect claims he/she learned to abuse from the victim

C. Evidence for the case

1. Photographs of the injuries

a. Use a color-coded ruler for bruises

b. Follow up 2-3 days later and take more photographs of the injuries

2. The victim's statements reference the injuries

a. The victim's reason for the cause of the injuries

b. The victim's complaint of pain

3. Medical records

a. Hospital discharge paperwork

b. Doctor's after care instructions

c. X-ray and test results from hospital or doctor's office

D. Warning signs of physical abuse

1. implausible explanations of the injuries

a. The victim may claim the injury was the result of an accident

b. The injury is not consistent with the explanation given by victim

2. The victim may be afraid to speak openly in front of the suspect

a. The victim may be agitated

b. The victim may be trembling

V. Financial Abuse

LEARNING ACTIVITY #5 (Case Study continue): Using the initial scenario assigned to the groups in LEARNING ACTIVITY #3 and developed in LEARNING ACTIVITY #4, the groups will each be given a set of "evidence" the elder has presented. This evidence may lead to a criminal violation of financial abuse. Using the evidence provided to further the case study, each group will outline the steps they would take to continue the investigation, to include other pieces of evidence they would collect and interview questions they would ask the suspect, anticipating common excuses the suspect may provide.

A. What is financial abuse

1. The suspect misuses victim's personal checks, credit cards, or other accounts

2. The suspect steals from the victim

a. Cash

- b. Household goods
 - i. Food and consumables from the house
 - ii. Valuables such as art and furniture
- c. Income checks
 - i. Social Security checks
 - ii. Income tax return checks
- 3. The suspect forges the victim's signature
- 4. The suspect engages in identity theft
 - a. The suspect has access to the victim's personal information
 - b. The suspect opens new accounts in the victim's name
 - c. The suspect adds him/herself on the victim's existing accounts as an authorized buyer

B. Suspect justification/defense

- 1. The victim forgot due to medical issues or age
- 2. The victim owes the suspect for giving care

C. Evidence for the case

- 1. Account statements
 - a. Can prove the usual spending pattern of the victim
 - b. Can show the amount of loss to the victim
 - 1. Felony if over \$950
 - 2. Misdemeanor if under \$950
- 2. Video surveillance
 - a. From the store, will show the suspect making the purchase
 - b. From the bank or ATM, will show the suspect making a withdrawal
- 3. Checks
 - a. Can compare the victim's signature to the one on the check
 - b. Will show where the check was cashed
- 4. Credit application
 - a. May list the suspect's address as the mailing address

b. May list the suspect as an authorized buyer on the account

D. Warning signs of financial abuse

1. Significant, unexplained, and unusual withdrawals from the victim's accounts

a. Sudden changes in the victim's financial condition

b. Unpaid bills

c. Financial activity the victim could not have completed

i. If the victim is bedridden

ii. If the victim does not drive

d. Unnecessary services, goods, and subscriptions the victim is paying for

2. Suspicious changes in financial documents

a. New beneficiaries to wills

b. Change of power of attorney

c. Change of name on titles

i. Vehicle title

ii. House deed

d. Additional names on signature cards

3. Items and cash missing from the victim's residence

a. Money removed from a safe

b. Jewelry missing from the home

c. Valuable items missing from the residence

VI. Emotional Abuse

LEARNING ACTIVITY #6 (Case Study continue): The groups will continue from LEARNING ACTIVITY #5, they will be given a behavior they "observed" between the suspect and victim while investigating the crime which may, or may not, be emotional abuse. The group will discuss the behavior in relation to the crime they are currently investigating and determine if emotional abuse may also be a component in the crime they are investigating.

A. What is emotional abuse

1. Intimidation

a. The suspect may yell at the victim

b. The suspect may threaten the victim

- i. The suspect may threaten to send the victim to a “home”
 - ii. The suspect may threaten to harm the victim
 - iii. The suspect may threaten that the victim is crazy or incompetent
- c. The suspect will terrorize the victim

2. Humiliation

- a. The suspect may leave the victim unclothed where others can see him/her
- b. The suspect may mock the victim
- c. The suspect will blame the victim and cause the victim to feel guilt

3. Isolation

- a. The suspect will not allow other friends or family to visit the victim
- b. The suspect will remove the victim from activities he/she enjoyed
 - i. Church
 - ii. Coffee/social groups
 - iii. Other support functions
- c. The suspect will ignore the victim
 - i. Causes the victim to try to gain the suspect’s favor
 - ii. Binds the victim closer to the suspect
 - iii. The suspect will often be the only human contact the victim has

B. Victim reaction to emotional abuse

- 1. Crying
- 2. Overly subdued
- 3. Scared or fearful
 - 1. Of the officer
 - 2. Of the victim
 - 3. Of outside assistance

C. Suspect justification/defense

- 1. False statements
 - a. The victim is lying to get the suspect in trouble
 - b. The victim misunderstood what the suspect said

2. Mental instability

- a. The victim does not have the mental capacity to remember those statements
- b. The victim can no longer tell the difference between reality and imagination
- c. The victim regularly acts irrationally and cannot be trusted

3. The victim was coached by another person to say the suspect said mean things

C. Evidence for the case

1. Witness to the emotional abuse

- a. Someone else overheard or saw the emotional abuse
- b. There was audio recording of the emotional abuse
- c. Video recordings of the incident can show the victim's actions to the suspect

2. Victim's statements

- a. The victim can tell you what happened
- b. The victim can explain how the emotional abuse made him/her feel

3. Must be able to prove potential for gross bodily injury (GBI)

D. Warning signs of emotional abuse

1. The suspect may threaten or belittle the victim in front of others

2. The suspect may be overly controlling of the victim

3. The victim may exhibit behavior consistent with dementia

- a. Self-rocking
- b. Mumbling to self
- c. Confusion
- d. Disoriented

4. The victim may deny the allegations

VII. Officer Safety

A. Elder abuse cases have similar dynamics as domestic violence

1. The suspect is often known to the victim
2. They are often related to each other

B. Unknown dynamic and co-dependency

1. The victim may feel he/she needs the suspect to survive

2. Emotion abuse affects the victim
3. The victim may recant statements
4. Potential for violence or officer safety concerns

VIII. Mental Health Issues in Elder Abuse

A. Mental illness

1. Depression
2. Post-traumatic stress disorder
3. Traumatic brain injury

B. Medical issues can present with mental health symptoms/affects

1. Alcohol/drug/medication dependency
2. Dementia
3. Diabetes
4. Diminished abilities
 - a. Physical limitations
 - b. Blindness
 - c. Deafness

C. Resources

1. Department of Behavioral Health- DBH
2. County Crisis Response Team- CCRT
3. Crisis Walk-In Clinic- CWIC
4. Primary care physician

LEARNING ACTIVITY #7: Students will work in a group and each group will be given a profile of an elder exhibiting a specific behavior that could be normal, or a medical or mental health issue. After identifying the potential issue, students will make a recommendation for possible resources to refer the elder to for assistance.

IX. Documentation

A. Written report

1. Cover the elements of the crime
2. Document all evidence

B. Audio recording

1. In case the victim recants any statements
2. Can show the victim was confused about what the suspect was doing

C. Video files

1. In case the victim recants any statements
2. Shows the if the victim is frail
3. Shows emotions such as fear or confusion

D. Photographs

1. Documents injuries
2. Collect photographs of potentially stolen property for identification

E. Paperwork

1. Bank statements
 - a. Unusual activity and large cash withdraws
 - b. Sometimes the bank employees can be interviewed about branch activity
2. Credit card statements
 - a. Can show unusual spending
 - b. Video from the store may show a known suspect using the card
3. Letters/emails/texts between victim and suspect
 - a. Can prove the suspect did not have permission reference financial abuse
 - b. Can show anger or bullying by the suspect
 - c. Can show confusion or fear by the victim
4. Power of Attorney- POA
 - a. Who has Power or Attorney
 - b. Suspect misuses POA to abuse the victim
5. Life insurance policies
 - a. Can list beneficiaries
 - b. New policies can be concerning
 - c. Changes in beneficiaries

X. Prosecuting the Case

A. Sentencing

1. Enhancements

- a. Prior convictions can lead to increased jail time
- b. Elder abuse codes are often felonies

2. Treatment for the suspects

- a. Sometimes a victim wants the suspect to get help
- b. Pleas can be obtained by the suspect being offered assistance

- B. Contact the District Attorney

1. To ensure the case is complete before trial
2. To cover a plan for prosecution
3. Maintain victim cooperation
 - a. Keep it personal
 - b. Hands on approaches will help keep the victim cooperative

XI. Resources/Prevention

- A. Adult Protective Services- APS

1. Mandated cross reporting
2. Can provide resources to the victim to break the cycle of abuse
 - a. In-Home Supportive Services- IHSS
 - b. Assistance in applying for Supplemental Security Income-SSI
 - c. Electronic Benefits Transfer- EBT

- B. Community groups

1. Local church groups
2. Senior focused groups and programs
3. Local hospital health groups
4. Senior restricted communities

XII. Conclusion

- A. Debrief

1. Open the class to question and answer based discussion
2. Provide contact information for the instructors

- B. Close

1. Evaluations

2. Certificates