DAVIS POLICE DEPARTMENT
ELDER ABUSE/ASSISTANCE PROGRAMS
Policy and Procedure 2.16-B

DEPARTMENT MANUAL

Index As:
Elder Abuse

I. STATEMENT OF ISSUE

The purpose of this policy is to provide members of this department with direction and understanding of their role in the prevention, detection, and intervention in incidents of elder abuse.

Under state law, Welfare and Institutions Code §§ 15630 and 15633 mandate elder abuse reporting in those cases where the suspect knew or should have known the victim was either an elder or dependent adult.

Under Federal Law, §§ 6701–6703 of the Patient Protection and Affordable Care Act of 2010, H.R. 3590 (“PPACA”) requires a report from nursing home owners, operators, employees, managers, agents, and contractors in long-term care facilities receiving at least $10,000 in federal funding. Covered individuals must report any reasonable suspicion of a crime against facility residents, or individuals receiving care at a facility. Reports must be made to both the Secretary of the Department of Health and Human Services and to one or more local law enforcement entities, including the Davis Police Department for crimes occurring here. The statute prescribes two different timing requirements for reporting. If the suspicious events result in serious bodily injury, the report must be made immediately, but not later than two hours after the suspicion is formed. If the suspicious events do not result in serious bodily injury, the report must be made no later than twenty-four hours after the suspicion is formed. There are several long-term care facilities in Davis, which will be required to file reports, if there is a reasonable suspicion of a crime taking place.

It is the policy of the Davis Police Department to treat reports of violence against elderly persons as high priority criminal activity that is to be fully investigated regardless of the relationship between the victim and the suspect(s).

II. PROCEDURE

A. Definitions

Elder- means any person residing in this state, 65 years of age or older.

Dependent Adult- means a person, regardless of whether the person lives independently, between the ages of 18 and 64 years who resides in this state and 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. Dependent adult includes any person between the ages of 18 and 64 years who is admitted as an inpatient to a 24-hour health facility, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code. Examples include, adults who have impairments that limit activities such as seeing, hearing, speaking, walking, breathing, performing manual tasks, learning, caring for oneself, and working. An individual with epilepsy, paralysis, HIV infection, AIDS, a substantial hearing or visual impairment, mental retardation, or a
specific learning disability is covered, but an individual with a minor, non-chronic condition of short duration, such as a sprain, broken limb, or the flu, generally would not be covered.

**Abuse** means any of the following:

- Physical abuse, neglect, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering.
- The deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering.
- Financial abuse, as defined in Section 15610.30.

**B. Patrol Response to Elder and Dependent Adult Abuse**

Pursuant to W&I § 15630, members considered a mandated reporter. “Any mandated reporter who, in his or her professional capacity, or within the scope of his or her employment, has observed or has knowledge of an incident that reasonably appears to be physical abuse, as defined in Section 15610.63, abandonment, abduction, isolation, financial abuse, or neglect, or is told by an elder or dependent adult that he or she has experienced behavior, including an act or omission, constituting physical abuse, as defined in Section 15610.63, abandonment, abduction, isolation, financial abuse, or neglect, or reasonably suspects that abuse, shall report the known or suspected instance of abuse by telephone or through a confidential Internet reporting tool, as authorized by Section 15658, immediately or as soon as practicably possible. If reported by telephone, a written report shall be sent, or an Internet report shall be made through the confidential Internet reporting tool established in Section 15658, within two working days.” Members shall further follow all reporting procedures contained in the Elder Abuse and Dependent Adult Civil Protection Act (“EADACPA), codified at California Welfare and Institutions Code §§ 15600-15660 (see PP 1.46-A, Mandated Reporters).

If the report of a dependent adult or elder abuse is received through the normal communications/dispatcher process, a patrol officer will be assigned to the case. In some cases, non-sworn personnel may be inadvertently dispatched to a case and discover there is dependent/elder abuse.

**The responding member is responsible for:**

1. Determining whether the victim is an elder or dependent adult.

   Even otherwise routine investigations or contacts with elders or dependant adults can become elder or dependent adult abuse cases if the suspect knew or should have known of the victim’s status.

   Examples of possible elder or dependent adult abuse;

   a. A 69 year old man is wandering the streets lost and disoriented after walking away from his home where he is under the care of his daughter.
   b. A 67 year female suspects her weekly house cleaning person stole jewelry from her bedroom while she was watching TV.
   c. A 25 year old obviously mentally disabled victim reports he was battered in the park after he mistakenly bumped into the suspect who was standing on a walkway.
   d. A 75 year old man reports he was telephoned by a person claiming to be a bank examiner asking him to withdraw money from a bank account in order to determine if bank employees are stealing money.

2. Quickly assessing the situation in an effort to ensure the immediate safety of all persons.
3. Members shall also consider the following:

a. Making an attempt to identify the victim, suspect and witnesses as well as the roles and relationships of all parties. Parties should be interviewed separately when possible. Frequently it is wrongfully assumed that elderly persons are incapable of accurately reporting the incident. Do not automatically discount the statement of an elderly person.

b. Preserving the crime scene where evidence may be present. All persons should be removed from the scene until it has been photographed and processed. Any evidence such as injuries that may change in appearance should be photographed immediately.

c. Assessing and defining the nature of the problem. Officers should assess the available information to determine the type(s) of abuse that may have taken place or the potential for abuse in the future that may be eliminated by our intervention.

d. Making on-scene arrests when appropriate. Immediate arrest of an abuser (especially when the abuser is a family member or caretaker) may leave the elderly victim without necessary support and could result in institutionalization. The effect of an arrest on the victim should be considered and weighed against the assessed risk and the competent victim’s desires. The present and future safety of the victim is of utmost importance.

4. Conducting and reporting the complete criminal investigation or, at minimum, documenting the incident in a MSR, unless one or more of the following factors are present:

a. There is an on-going pattern of related victimization with the dependent,

b. The crime involves serious bodily injury (as defined in PC § 243(f)(4)) or death,

c. A suspect is known or there are investigative leads which lead to a suspect,

d. Getting a detailed statement from the victim requires special knowledge or expertise because of age or disability,

e. The crime is particularly complex or involves substantial property loss,

f. The victim is in a long term health care facility.

5. If one of the factors listed in II, B, 4 is present:

a. Complete a RIMS crime report prior to the end of the shift.

b. Get minimal disclosure from the victim that establishes a crime was committed.

c. Collect any evidence where there is a risk it will be destroyed or tampered with in any way if it is not immediately collected.

d. Immediately contact and forward the report to Investigations.

e. Fill out the SOC 341 and forward it as specified in II, B, 8 below.

6. Those crime reports determined to be either elder or dependent adult abuse will, in addition to listing the most applicable criminal code, contain a separate offense of PC § 368 under crime classification.

7. If the initial responding member determines there is no crime (for example the elder/dependent adult walked away and was found later and returned), the incident should generally be documented in a W&I § 15630 report, and be forwarded to Investigations where the case may be followed up to ensure adequate care for the elder/dependent adult.

8. In all cases meeting requirements for reporting, the initial responding member shall fill out an SOC 341, Report of Suspected Dependent Adult/Elder Abuse. Additionally, the member shall contact the on-call APS worker by phone as soon as possible via the Yolo Emergency County Agency (YECA). The report shall specify when the on-call APS worker was called and who the member spoke to.
9. The reporting officer shall scan the SOC 341 form and attach it to the RIMS report. The reporting officer shall then mail the original SOC 341 to either APS or the Long Term Care Ombudsman and the California Association of Health Facilities if the suspected abuse occurred in a long term care facility.

   a. Adult Protective Services- The SOC 341 can be mailed or faxed to APS at 500 Jefferson Blvd, West Sacramento, CA 95605- fax (916) 375-6203.
   b. Long Term Care Facility Reports- “Long Term Care Ombudsman”, P.O. Box 27787, Sacramento, CA. 95827-787. Their phone number is 800-876-6627 and their fax is 916-366-3756.

10. The names of all parties and all information contained in the SOC 341 are confidential. The SOC 341 form shall not be copied or provided to anyone, other than those specified in 15630, et al, W&I.

11. In any situation where a member reasonably believes that an elder or dependant adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the member may seek an emergency protective order against the person alleged to have committed or threatened such abuse (Family Code § 6250(d)).

C. Investigations Response to Elder and Dependent Adult Abuse

   Investigations is responsible for:

   1. Completing criminal investigations specified in II, B above, contacting allied agencies as deemed appropriate, and determining if or when any portion of the crime report can be released to any person.

   2. Determining whether a death involved the End of Life Option Act:
      a. Whether or not assistance was provided to the person beyond that allowed by law (Health and Safety Code § 443.14)
      b. Whether an individual knowingly altered or forged a request for an aid-in-dying drug to end a person’s life without their authorization, or concealed or destroyed a withdrawal or rescission of a request for an aid-in-dying drug (Health and Safety Code § 443.17)
      c. Whether coercion or undue influence was exerted on the person to request or ingest an aid-in-dying drug or to destroy a withdrawal or rescission of a request for such medication (Health and Safety Code § 443.17)
      d. Whether an aid-in-dying drug was administered to a person without their knowledge or consent (Health and Safety Code § 443.17).

D. Report Received through Mail

   If the report is the result of an SOC 341 form being received in the mail, it will be given directly to the Investigations Division for handling. If an investigator is not available to handle the case in a timely fashion, the Watch Commander will be notified and have the initial investigation completed by a patrol officer.

E. Out of Jurisdiction Report

   When an officer becomes aware that a suspected incident of dependent adult or elder abuse took place in another city, no criminal investigation is required. However, the officer shall
complete the SOC 341 “Report of Suspected Dependent Adult/Elder Abuse”, if it meets requirements for reporting, and take an accompanying W&I § 15630 report. The SOC 341 and notifications shall be made as specified above.

G. Photo ID Program

1. The Department has a registration system for community members who have Alzheimer’s, dementia or other special needs. The Department keeps personal information, including: names, addresses, photos, and medical information on each person agreeing to participate in RIMS.

2. All inquiries regarding the system should be forwarded to the Records & Communications Manager.

3. Medical information is confidential and shall not be transmitted via radio unless there are exigent circumstances.

H. Adult Protective Services (APS) and Elder Care

Dispatch will maintain APS and Elder Care information in the “On-call” book.

Darren Pytel
Police Chief
10/99
2/02 - photo id program and APS information added
1/03 patrol response procedure amended
7/03 patrol response procedure amended
5/07 RIMS updates added
04/10 updates to policy
07/11 Federal statutes and reporting added
06/17 End of Life Act added
11/19 updated requirements and definitions

Reviewed 2/04, 04/08, 11/11, 12/17, 5/19