

LAW ENFORCEMENT

Responding to Elder Abuse: A Self-Assessment Tool
for **Law Enforcement**



Responding to Elder Abuse: A Self-Assessment Tool for Law Enforcement



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Introduction and Process

The National Clearinghouse on Abuse in Later Life (NCALL) designed this Law Enforcement self-assessment tool to help organizations evaluate strengths and areas of improvement in services for older victims of abuse. The goal of the self-assessment tool is to encourage your agency to candidly and thoughtfully assess your work and the processes you use. It will help identify existing practices and introduce new approaches which may strengthen the overall response of your agency when addressing elder abuse. The tool should facilitate and encourage discussion and raise questions about roles, response, coordination, and common purpose. Note: not every element included in the self-assessment tool will be in place in every community, nor is there an expectation that every element will be or can be implemented in every community.

How is elder abuse defined?

Elder abuse, according to the Elder Justice Roadmap, “includes physical, sexual or psychological abuse, as well as neglect, abandonment, and financial exploitation of an older person by another person or entity, that occurs in any setting (e.g., home, community, or facility), either in a relationship where there is an expectation of trust and/or when an older person is targeted based on age or disability.”

This is not a legal definition. Statutorily, there is wide variety in how elder abuse is defined from state to state and in criminal, protective, and civil law within a state. While elders can be victimized by strangers, most abuse experienced by older adults is perpetrated by non-strangers: i.e., intimate partners, adult children, other family members, fiduciaries, and caregivers. Abuse occurs in facilities as well as community settings.

How is abuse in later life defined?

Abuse in later life is defined by the Violence Against Women Act as neglect, abandonment, economic abuse, or willful harm of an adult aged 50 or older by an individual in an ongoing relationship of trust with the victim; or domestic violence, dating violence, sexual assault, or stalking of an adult aged 50 or older by any individual; and does not include self-neglect.

This document contains the following sections:

- Section 1: Self-Assessment Tool
 - The self-assessment addresses seven dimensions to consider in evaluating your response to elder abuse and abuse in later life.
- Section 2: Action Plan for Change
 - Based on the results of the self-assessment, the Action Plan guides the user through a process to celebrate strengths and identify future actions, projects, and steps; identifies who will undertake what actions; and provides a timeline to track progress. Inter-agency action plans are an effective way to strengthen current community response to elder abuse and abuse in later life.
- Appendix: Abuse in Later Life Power and Control Wheel
 - In 2006, NCALL adapted the Power and Control Wheel, developed by Domestic Abuse Intervention Programs in Duluth, MN to create a graphic that represents abuse in later life. Various sections of this tool will refer back to the tactics on the wheel.

Who should be involved in completing the self-assessment?

The self-assessment process works best when completed using a team that involves your agency's leaders and staff, including sworn officers, administrators, attorneys, policy makers, victim services and investigation units. The tools are not intended to be completed by one or two individuals working in isolation. Effectively using this tool involves reflection and discussion that requires candid and thoughtful conversation among those with different experiences within the agency.

How can we use this tool in our Coordinated Community Response?

Law enforcement plays a critical role in this inter-agency response; bringing knowledge of the investigative process (procedurally), providing information on the process involving charges being filed, and what comes afterward. At the same time, law enforcement can benefit from working with other agencies to improve response to abuse in later life by becoming aware of and understanding other agencies mutually working with older adults. Often law enforcement is unaware of others involved in an investigation and the valuable information and resources they can provide law enforcement.

Questions and feedback

If you have questions or want to provide NCALL staff with feedback about your experience using the tools, please email ncall@ncall.us .

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Section 1: Assessment Grid

Date:	Assessment grid completed by:
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Instructions: There are seven dimensions included in the assessment. For each dimension, review each element and check whether or how often it applies, using the scale. In the notes section, record any comments that pertain to that dimension, such as specific accomplishments, barriers, or ideas for change. Note: This self-assessment tool draws on elder abuse training for law enforcement as part of the Training and Services to End Abuse in Later Life Program, provided by the National Clearinghouse on Abuse in Later Life (NCALL) and the Federal Law Enforcement Training Center (FLETC).

Dimension 1: Investigation		This applies...			
		Always/Yes	Sometimes	Never/No	Need more info
1A	Framework				
1A-1	We provide officers with equipment and technology that support a timely and thorough investigation; e.g., body cameras, cell phones, audio and video recording equipment, laptops, databases, Mobile Data Computers (MDCs).				
1A-2	When a person's situation does not meet criteria for the arrest of a suspect, we provide the victim with information on legal rights and/or referral to an appropriate agency.				
1A-3	Our officers are alert to the co-occurrence of multiple types of abuse; if they suspect one form of abuse, they investigate for other forms.				

Dimension 1: Investigation		This applies...			
		Always/Yes	Sometimes	Never/No	Need more info
1B	<i>Process and components</i>				
1B-1	We interview each reported victim and perpetrator separately.				
1B-2	Our officers are alert to the possibility of elder abuse in many settings, including: • Responding to a specific report of elder abuse • Conducting a welfare check • Investigating another crime • Responding to an adult protective services (APS) referral or request for assistance • Unattended death investigations				
1B-3	Our officers are prepared to recognize and respond to a victim's functional limitations and the impact of those limitations on: • Accuracy and credibility of the victim's account • Communication • Mobility and physical access to the prosecutor's office and courtroom • Victim stamina over the course of case processing				
1B-4	A referral to social services is <u>not</u> the only response in neglect cases. Our officers investigate and collect evidence as if crimes have been committed.				
1B-5	Our officers have access to resources to support elder abuse investigations that include types of abuse, key statutes and elements of selected crimes, and an elder abuse response protocol.				
1B-6	When appropriate and authorized by law, we allow an advocate to be present during interviews if requested by the victim.				
1B-7	Our officers use the Abuse in Later Life Power and Control Wheel to aid their investigations: e.g., in interviews with victims and suspects about potential forms of abuse; or as a cue to ways in which an abuser might attempt to manipulate officers.				

Dimension 1: Investigation		This applies...			
		Always/Yes	Sometimes	Never/No	Need more info
1B-8	We are prepared to investigate and distinguish injuries caused by criminal actions from those caused by non-criminal actions.				
1B-9	Our officers investigate possible strangulation in elder abuse cases.				
1B-10	Our officers investigate unattended death of an older adult as a homicide, until the medical examiner/coroner establishes otherwise.				
1B-11	We are alert to the following <u>justifications that blame the victim</u> of elder abuse: • Accident (“she’s clumsy”) • Caregiver stress (“he’s too hard to care for”) • Victim’s behavior (“she didn’t stay where I told her to...she overreacted...he gave it to me...she consented...she’s confused...he’s forgetful”) • Mutual abuse or self-defense (“she started it”)				
1B-12	We are alert to the following <u>justifications that excuse the perpetrator</u> of elder abuse: • Anger problem (“I have a bad temper, short fuse”) • Substance abuse (“I was drunk or high”) • Physical or mental health (“I have Alzheimer’s”) • Learned behavior (“I was abused as a child by my parent”) • Normal caregiver activity (“I was just washing him”)				
1B-13	We are alert to forms of elder sexual abuse, including hands-on offenses, hands-off offenses, and harmful genital practices. ¹				
1B-14	We are alert to forms of stalking in later life.				

¹ For example, hands-on offenses include kissing and touching of breasts or buttocks; hands-off offenses include exhibitionism and forced viewing of pornography; harmful genital practices include unwarranted or intrusive procedures in caring for genital or rectal area. These categories reflect the research and analysis of Holly Ramsey-Klawnsnik.

Dimension 1: Investigation		This applies...			
		Always/Yes	Sometimes	Never/No	Need more info
1B-15	Our officers are prepared to recognize and investigate methods of financial exploitation, and do not immediately dismiss the report as a 'civil matter.'				
1B-16	Our officers are prepared to investigate reports of elder abuse in a facility setting where an individual victimizes residents (e.g., a sexual predator living or working in the facility or an abusive family member).				
1B-17	Our officers are prepared to investigate reports of elder abuse in a facility setting where management and operation of the facility led to abuse of residents.				
1B-18	Our officers are prepared to distinguish alternative health remedies such as cupping or coining, which can look like signs of physical abuse.				
1B-19	When an arrest is not made, our officers submit an incident report documenting what occurred, the status of the parties, and the reason for the non-arrest decision.				

Dimension 1: Investigation

Notes: Accomplishments?

Notes: Barriers?

Notes: Ideas for Change?

Dimension 2: Safety Planning		This applies...			
		Always/Yes	Sometimes	Never/No	Need more info
2A	<i>Framework</i>				
2A-1	Our investigators rely on <u>multiple</u> sources of information and tools in a team or interdisciplinary setting in making decisions about danger and safety.				
2A-2	Our investigation process identifies and accounts for the dynamics of domestic violence, including distinctions between: • Abuse by a spouse or partner • Abuse by other family members				
2A-3	We recognize and reinforce that leaving or otherwise ending the relationship with a perpetrator of elder abuse is a complex decision for a victim that does not necessarily guarantee safety.				
2B	<i>Process and components</i>				
2B-1	On-scene and emergency safety planning explores and accounts for tactics of ongoing abuse. ²				
2B-2	In talking with victims, we use common language and avoid professional or technical jargon and terms.				
2B-3	When an arrest has not been made, our officers explain to the victim why and what will happen next.				
2B-4	At the conclusion of the initial call or investigation, our officers provide a victim with information about specific community services that can provide help and support, such as aging network services and domestic violence or sexual assault programs.				

² What kinds of tactics of abuse have been used? How will the victim be kept safe? What will make it possible for the victim to remain safely in a location of her or his choosing? How can contact with the perpetrator be restricted or permitted only under specific situations with another party present? What arrangements will be made for someone to help or stay with the victim once responding or investigating officers leave?

2B-5	At the conclusion of the initial call or investigation, our officers encourage the victim to call 911 if she/he is abused again or feels threatened or fearful.				
2B-6	If requested by the victim, at the conclusion of the initial call or investigation our officers contact an advocate to assist with ongoing and long-term safety planning.				
2B-7	If applicable under mandatory reporting laws, our officers know who they are required to notify and reference in mandatory reports.				
2B-8	Our officers initiate emergency protection orders (if authorized by law) or make referrals to advocacy services that can assist with protection orders.				
2B-9	If authorized by law, we remove firearms from perpetrators of elder abuse.				
2B-10	We respond to and enforce violations of protection orders in elder abuse cases.				

Dimension 2: Safety Planning

Notes: Accomplishments?

Notes: Barriers?

Notes: Ideas for Change?

Note: This dimension addresses access in two forms: (1) disability-related access and (2) generational accessibility.

Dimension 3: Access		This applies...			
		Always/Yes	Sometimes	Never/No	Need more info
3A	Framework				
3A-1	We invite individuals from a variety of backgrounds, including people with disabilities and older adults to conduct an accessibility assessment, including a tour of facilities and review of interview and intervention practices.				
3A-2	We invite older people from all parts of the community to review our interview and intervention practices.				
3A-3	We assign designated staff to know and maintain ADA (Americans with Disabilities Act) standards for accessibility.				
3A-4	Our agency reflects the composition of our service area.				
3A-5	We conduct an agency-wide assessment of our disability accessibility policies and practices on a regular basis (i.e., every one to five years). ³				
3B	Process and components				
3B-1	We collaborate with specialists working with people with disabilities, including blind/low vision, Deaf/hard of hearing, physical disabilities, diminished cognition, psychiatric, and others, when the situation requires additional skills and knowledge.				
3B-2	We have a protocol to guide officers in determining a <u>victim's</u> specific disability accommodation needs.				
3B-3	We have a protocol to guide officers in determining a <u>suspect's</u> specific disability accommodations needs.				

³ The U. S. Department of Justice has developed materials to assist law enforcement agencies in meeting Americans with Disabilities Act requirements: <https://www.ada.gov/resources/disability-rights-guide/>

Dimension 3: Access		This applies...			
		Always/Yes	Sometimes	Never/No	Need more info
3B-4	We provide appropriate interpreter services or communication assistance to those involved in a case of reported abuse who have sensory or speaking impairments or limited English proficiency. ⁴				
3B-5	We have the training, technology, equipment, or links with community agencies necessary to provide access to our agency for persons with the following kinds of needs: • Mobility • Vision • Hearing • Speech • Cognition				
3B-6	In our interviews and other interactions, we are attentive to and respectful of generational and unique customs and courtesies related to the victim's background.				

⁴ Appropriate assistance includes such measures as using professional interpreters or APS staff fluent in the person's language; safeguarding confidentiality when using non-APS assistance; ensuring that the assistant has no stake or conflict of interest in the case; and, avoiding family members unless requested by the person (and without involvement in the case); providing aids and materials at no cost.

Dimension 3: Access		This applies...			
		Always/Yes	Sometimes	Never/No	Need more info
3B-7	Our response accounts for ways in which aspects of an older adult's background might influence her or his decision-making and response, such as: • Mistrusting information provided by law enforcement, health care, or social services • Seeing information provided by law enforcement, health care, or social services as contrary to religious beliefs • Deferring to other relatives or adult children when family decision-making is the norm • Misunderstanding because of limited English proficiency⁵				

⁵ These recommendations reflect the work of Dr. Georgia J. Anetzberger in adult protective services investigation and assessment training prepared for the Ohio Department of Job and Family Services.

Dimension 3: Access

Notes: Accomplishments?

Notes: Barriers?

Notes: Ideas for Change?

Dimension 4: Outreach & Services		This applies...			
		Always/Yes	Sometimes	Never/No	Need more info
4A	Framework				
4A-1	Attention to elder abuse is integrated into our patrol response.				
4A-2	Attention to elder abuse is integrated into our community and neighborhood-orientated policing assignments.				
4A-3	We allow adequate time to work with older victims and recognize that they may need more time to express themselves and consider their choices.				
4A-4	Our community education and outreach materials reflect the range of backgrounds of older victims of abuse, including but not limited to aspects of faith and spirituality, language, literacy, geography (urban and rural), ability and Tribal standing, as reflects our service area.				
4B	Components				
4B-1	We use a variety of methods to inform the community and build awareness of elder abuse, such as brochures, public service announcements, and presentations to health care professionals, financial institutions, and others who have regular contact with older persons.				
4B-2	We provide information about how to report elder abuse at a wide range of locations in the community, from social service agencies and health care facilities to banks and senior centers.				
4B-3	Our officers have databases or resources that identify key community resources for legal assistance, advocacy, and other support for victims of elder abuse.				
4B-4	We have links to housing options and alternatives for older adults, both emergency and long-term.				
4B-5	We connect victims with assistance in filing a crime victim's compensation claim.				

Dimension 4: Outreach & Services		This applies...			
		Always/Yes	Sometimes	Never/No	Need more info
4C	<i>Referrals</i>				
4C-1	Our agency routinely receives referrals for older persons from APS, aging program staff, mental health workers, domestic abuse and sexual assault agencies, health care providers, and clergy.				
4C-2	Our agency routinely receives referrals from agencies organized in and working with various unique groups in our community.				
4C-3	We routinely make referrals to other governmental agencies and community-based organizations that can support the person's overall, long-term safety and well-being. For example, we make referrals to legal advocacy, emergency and other housing assistance, and victim support groups.				

Dimension 4: Outreach & Services

Notes: Accomplishments?

Notes: Barriers?

Notes: Ideas for Change?

Dimension 5: Policy & Procedure		This applies...			
		Always/Yes	Sometimes	Never/No	Need more info
5A	Framework				
5A-1	Our policies and procedures define elder abuse.				
5A-2	Our policies and procedures identify domestic abuse in later life as a common form of elder abuse.				
5A-3	We conduct a regular review (i.e., every one to five years) of all agency policies, procedures, and practices to determine their impact on victims of elder abuse, including victims of domestic violence and sexual assault in later life.				
5B	Content				
	We have policies and procedures in place to address:				
5B-1	<u>Arresting a suspect</u> with a disability, frailty, or specialized medical need				
5B-2	<u>Booking and jailing a suspect</u> with a disability, frailty, or specialized medical need				
5B-3	Applying dominant aggressor considerations in elder abuse investigations				
5B-4	Responding to reported elder abuse involving high profile offenders, including law enforcement officers				
5B-5	Responding when the suspect is the victim's caregiver				
5B-6	Securing emergency housing for a victim of elder abuse				
5B-7	Stopping a perpetrator's control and use of a victim's assets				
5B-8	Responding to reported elder abuse in long term care facilities				
5B-9	Working with adult protective services				
5B-10	Working with domestic violence victim advocacy services and making referrals when a case involves domestic abuse in later life				

Dimension 5: Policy & Procedure		This applies...			
		Always/Yes	Sometimes	Never/No	Need more info
5B-11	Working with sexual assault victim advocacy services and making referrals when a case involves sexual assault in later life				
5B-12	Circumstances under which a victim advocate can be present during interviews and other interactions between law enforcement and a victim of elder abuse				
5B-13	Unless mandated by law, our policies and procedures prohibit officers from requiring that victims of elder abuse 'press charges' or cooperate with prosecution as a condition of law enforcement action.				
5B-14	Our policy requires that officers disarm perpetrators of elder abuse, when authorized by law.				
5B- 15	There is a policy in place that covers emergency holds if someone is gravely disabled and cannot take care of themselves (i.e. caretaker is no longer available due to illness, arrest, etc.).				
5B-16	There is a policy in place for safekeeping firearms in cases where an elderly person is exhibiting self-destructive thoughts, ideation or mannerisms.				

Dimension 5: Policy & Procedure

Notes: Accomplishments?

Notes: Barriers?

Notes: Ideas for Change?

Dimension 6: Training		This applies...			
		Always/Yes	Sometimes	Never/No	Need more info
6A	Framework				
6A-1	We provide training on elder abuse to responding officers, investigators, supervisors, victim support specialists, and agency volunteers.				
6A-2	We have established, and routinely update, a library of resource materials, computer databases and professional literature on elder abuse and law enforcement response.				
6A-3	Our training related to elder abuse addresses attitudes and myths about aging and the resulting barriers to effective response.				
6A-4	We provide training and opportunities to practice how to recognize types of abuse and establish the degree of danger involved.				
6B	Content Our officers receive specific training about:				
6B-1	Recognizing the unique aspects and complex circumstances that older victims of domestic and sexual violence face, different types of elder abuse, abuser tactics, various indicators of abuse				
6B-2	Interview approaches and techniques for elder abuse cases				
6B-3	How to correctly document a person's functional capacity to understand risk, make decisions, and give informed consent to investigation and services				
6B-4	Observing and documenting the scene in ways that take the implications of <i>Crawford v. Washington</i> into account ⁶				
6B-5	Applying dominant aggressor considerations to elder abuse cases				

⁶ *Crawford v. Washington* (2004) changed the standard for determining when hearsay statements are admissible in criminal cases and introduced new challenges in pursuing "evidence-based" prosecution.

Dimension 6: Training		This applies...			
		Always/Yes	Sometimes	Never/No	Need more info
6B-6	Investigating elder abuse in care facility settings, whether by and against individuals or through management and operational practices				
6B-7	Application and limitations of elder abuse and domestic violence risk assessment tools				
6B-8	Preparing for and testifying about elder abuse cases in court				
6B-9	911 call-takers and dispatchers receive training on the dynamics of elder abuse and related communication and response strategies.				
6B-10	Jail officers receive training on considerations in booking and release of elder abuse perpetrators of all ages.				
6B-11	We provide an annual update and review of the widest range of state and federal laws that support investigation, arrest, and prosecution of elder abuse cases.				
6B-12	We provide new officers and lateral hires with training on elder abuse investigations and mandatory reporting.				
6C	Methods				
6C-1	An interdisciplinary team representing law enforcement, prosecution, domestic violence and sexual assault services, and APS or aging network specialists delivers training on elder abuse response and investigation.				
6C-2	We utilize a variety of approaches in providing and supporting training on elder abuse and law enforcement response, including basic officer and field training, roll call or shift change, and web-based or other distance learning.				
6C-3	We use hands-on methods such as scenarios and role play to practice investigation and response to elder abuse.				

Dimension 6: Training		This applies...			
		Always/Yes	Sometimes	Never/No	Need more info
6D	<i>Community connections</i>				
6D-1	We participate in and provide cross-training with prosecution, the aging services network, senior organizations, and domestic abuse and sexual assault services agencies.				
6D-2	We provide training on elder abuse and the law enforcement response to a variety of people who may come in contact with older victims in the course of their work, such as home health care providers and meal volunteers, beauticians, and bank tellers.				

Dimension 6: Training

Notes: Accomplishments?

Notes: Barriers?

Notes: Ideas for Change?

Dimension 7: Community Collaboration		This applies...			
		Always/Yes	Sometimes	Never/No	Need more info
7A	<i>Framework</i>				
7A-1	We are active participants in any elder abuse multidisciplinary team (M-team), interdisciplinary team (I-Team), or case consulting team operating in the community.				
7A-2	We routinely use a variety of methods to build links with and expand our understanding of who lives in our community and who should be involved in the wider response to elder abuse.				
7B	<i>Relationships</i>				
7B-1	Our relationships with APS, domestic abuse and sexual assault service agencies, the aging services network, and senior organizations are characterized by: • Strong linkages • Frequent communication • Cross-training and other joint events or projects				
7B-2	We have links with and a referral process in place to connect elders with other community services, whether or not an arrest has been made.				
7C	<i>Systems change</i>				
7C-1	We are linked with and participate in state efforts focused on elder abuse and abuse in later life, including the work of law enforcement associations, state domestic violence and sexual assault coalitions, and state coalitions on aging.				
7C-2	We are linked with and participate in national efforts focused on elder abuse and abuse in later life, such as the work of NCALL (National Clearinghouse on Abuse in Later Life), NCEA (National				

Dimension 7: Community Collaboration		This applies...			
		Always/Yes	Sometimes	Never/No	Need more info
	Center on Elder Abuse), FLETC (Federal Law Enforcement Training Center), and the National Sheriff's Association. ⁷				
7C-3	We participate in any fatality review team for elder abuse cases, including cases involving older adults and domestic violence.				

⁷ The National Sheriff's Association (NSA) is active in Triad, created in 1988 as a partnership between NSA, the American Association of Retired Persons, and the International Association of Chiefs of Police. The purpose of Triad is "to promote senior safety and to reduce the unwarranted fear of crime that seniors often experience." It has an interest in elder abuse prevention. <https://www.sheriffs.org/programs/triad-programs>

Dimension 7: Community Collaboration

Notes: Accomplishments?

Notes: Barriers?

Notes: Ideas for Change?

Section 2: Action Plan for Change

Now that you have completed the self-assessment tool, you have the foundation for creating a plan for change for any concerns you may have identified during this process. Following is a template to aid in designing this plan for change. Note this template includes space for indicating those concerns about your current response to elder abuse but also space for highlighting your strengths and what is going well.

Step 1: Recognize your strengths and accomplishments while identifying what needs to change in your response to abuse in later life.

- Review each area of the assessment grid and note where you checked “sometimes” and “never.”
- Identify what is missing in your response and where you need more information.
- Identify strengths and accomplishments in the current response to abuse in later life.

Step 2: Set priorities and next steps for the changes you would like to make. Keep in mind:

- New or revised policies and/or procedures
- Better connections and communication
- New or expanded training
- Stronger collaborations

Step 3: Assign tasks and set timelines.

Step 4: Track your progress by reviewing this Action Plan at selected intervals, such as every six months.

Action Plan: Strengthening Our Response to Abuse in Later Life

Dimension	Strengths and Accomplishments	Concerns	Priorities and next steps:	Assigned to:	Due By:	Progress/Updates
1) Investigation						
2) Safety Planning						
3) Access						

Action Plan: Strengthening Our Response to Abuse in Later Life

Dimension	Strengths and Accomplishments	Concerns	Priorities and next steps:	Assigned to:	Due By:	Progress/Updates
4) Outreach & Services						
5) Policy & Procedure						
6) Training						
7) Community Collaboration						

Appendix: Abuse in Later Life Wheel

In 2006, NCALL adapted the Power and Control Wheel, developed by the Domestic Abuse Intervention Project, Duluth, MN to create this wheel.

