

The Role of Law Enforcement in Recognizing and Responding to Elder Abuse

Voiceover

00:00

Welcome to *The Beat*—a podcast series from the COPS Office at the Department of Justice. Featuring interviews with experts from a varied field of disciplines, *The Beat* provides law enforcement with the latest developments and trending topics in community policing.

Jennifer Donelan

00:16

Today our guests are joining us by phone.

Hello, and welcome to *The Beat*. I'm Jennifer Donelan. Today we're speaking about the role of law enforcement in recognizing and responding to elder abuse and joining us to talk about this very critical issue are Inspector Andrea Higgins of the San Mateo County District Attorney Office's Elder Protection Unit and Chief Gary MacNamara of the Fairfield Connecticut Police Department. Thank you both so much for joining us. Chief, I'm going to begin with you. Could you please explain to our listeners what elder abuse is and the different types of elder abuse within the context of your work.

Chief Gary MacNamara

00:53

Generally, when we talk elder abuse, we're talking about a population to 65 years of age or older. And that now is currently around 37 million Americans, so it's quite a large population of our communities. When we discuss elder abuse, it really falls into two main categories, that of domestic abuse or institutional abuse. Either you're in home being abused or you're in an institution or you're in some sort of medical area that you're being taken care of and that care might not necessarily be properly given.

We talked about four different types of elder abuse. The first being physical abuse. That would be what sometimes people refer to as domestic or those typical signs of physical abuse that you would see in someone meaning common bruises or other trauma to the body. The other area would be emotional or psychological abuse, financial abuse and finally neglect. Now in each one of those categories, there may be underlying uniqueness in each or there may be overlapping categories. But generally when we're talking elder abuse, those are the main topics that we're really touching on.

Donelan

02:00

Thank you, Chief. Let me move on over to Inspector Andrea Higgins. Do you have anything to add to that?

Inspector Andrea Higgins

02:07

Well, the most common forms of elder abuse that officers are going to encounter in the field are financial abuse, which is the most commonly reported at the first responder level; physical abuse, which can constitute any type of intentional injury against an elder or dependent adult; neglect, which is typically when someone has a duty of care towards a senior and fails to provide the most basic level of care for the senior in a way that actually endangers that senior's health and well-being; sexual abuse which is one of the least reported but is of course one of the most concerning areas of elder abuse; and emotional abuse, which is again not something we deal with on the criminal side as much but it's always a component of the abuse.

One of the most challenging things for law enforcement is we don't often have a lot of training resources related to elder abuse, however, almost all forms of elder abuse are at their core, a form of domestic violence. 90% of the perpetrators of elder abuse statistically are family members, loved ones or trusted caregivers.

So again, if we look at it through the lens of domestic violence, we have a much clear perspective on how to move forward with most of our elder abuse cases.

Donelan

03:23

Thank you so much. Chief MacNamara, how can a patrol officer tell the difference between elder abuse and a family dispute?

MacNamara

03:32

Well first of all, an officer when they're responding to a crime involving an older American, they really have to pause. We want our officers to respond to a call, resolve it, and then move on. When we're talking about crimes of elder abuse, we need our officers to pause and take their time with the investigation. Meaning what they initially see might not end up being what the entire call is about. So we want our officers to take a look around to ensure that the house is properly upkept, that it appears that the elder is being cared for properly, that the house is clean, that the elder is speaking properly and isn't fearful and is engaged.

So we really want our officers to take in the whole picture and while they're taking in the whole picture, understand that what is occurring may not be what is being told to them. We know that our elder population can be abused by loved ones. So if a loved one, if an officer responds to a house and a loved one is giving information, that information may not be accurate. We need our officers to do really good interviews. To have really good observations skills and understand and really understand the difference between the signs of what is normal and what necessarily is a crime against the elderly.

Donelan

04:52

Inspector Higgens, you work with a multi-disciplinary team, social workers, public guardians, civil attorneys, prosecutors. How do you guide your teams in terms of telling the difference between elder abuse and a family dispute?

Higgens

05:06

That's one of the most challenging questions that we are faced with and we are faced with it on really a daily basis. I would say that the biggest piece that the most important way to parse this out is just to ask the right questions and to not be afraid to dig into what are often muddy waters.

The perpetrators of these crimes, particularly financial abuse, they have every reason to try to put up a smoke screen particularly for a first responding patrol officer, so they'll throw out words like powers of attorney and deeds and trust, and they will do everything in their power to make it as confusing as possible or to manipulate the situation to make it appear favorable to them in one way or another. So I would suggest that really the most important piece is just to ask a lot of questions. Separate the victim from the caregiver and if there's resistance from the caregiver to do that, or the family member, that should be a huge red flag to the investigators that there's something more going on there. Asking simple, clear, open-ended questions like what's the financial decisions that you've made, if the senior can't answer a very basic question like I signed my house over to my daughter or I changed my trust to remove my son, then that should be a red flag that this person may lack the capacity to have made this financial decision in the first place.

Who benefits from the financial transaction that you have completed? Did you talk with anyone other than suspect about this decision before you made it? Those are the kinds of questions that will help first responder determine whether or not they're looking at something that's potentially criminal or whether it's something as simple as a family dispute.

Donelan

06:57

Chief MacNamara, we talked about recognizing the difference between elder abuse and say a family dispute, but how might one of your law enforcement officers actually encounter elder abuse?

MacNamara

07:08

Well, here's the uniqueness about it. An officer can encounter elder abuse at any moment at any time when they're on their shift. And even if they're off their shift, we have our officers out there responding to motor vehicle accidents, responding to residents who are locked out of their house or see suspicious behavior. At any moment in time if that elder individual calls, they may encounter signs and symptoms or see things that might depict there is some sort of abuse going on. So we have to be notifying our officers that motor vehicle accidents involving the elderly, elderly shopping who become the victim of crime. Elder abuse is oftentimes progresses, meaning it may occur once and then periodically over time,

it gets worse and worse. At any moment in time, a police officer may encounter an elderly person in a variety of different circumstances that they may be able to see those signs early enough that we get the attention to them that they need.

Donelan

08:11

Inspector Higgins how do your teams encounter elder abuse typically?

Higgins

08:16

You know really elder abuse may come in the form of a cross report from our adult protective services. They're mandated to cross report anything that appears to them to be criminal. But really, elder abuse may be in the background of almost any call for service in the field. One of the things that I really want to encourage officers to do is to really have their radar tuned to be looking for elder abuse in their regular calls for service. You know, dynamics that are red flags where you have an adult child who you know may be living in the home with their parent, maybe there's some chronic mental health issues or alcohol or drug dependency, no obvious means of self-sufficiency, those are the kinds of really red flags that mean that that is a situation that may be right for some type of elder abuse.

When patrol officers are in the field, we are always looking for signs of someone who's under the influence of alcohol. If they're driving, someone who's under the influence of a controlled substance if we're making a contact with a citizen. So I really want officers to be on the look at all times for potential elder abuse in the background of their call for service.

Donelan

09:30

Chief you mentioned earlier that you tell your officers to pause, to try and take in the scene when they arrived. What else should law enforcement officers do when they respond to a case might be elder abuse?

MacNamara

09:42

Fight the urge to say probably nothing. If an officer sees something that is not normal in the circumstances that they respond to, it's very easy to say well it's probably nothing. We have to make sure that our officers are trained so they see those signs and they have to know the action to take. They have to know the resources that a community provides to them. They have to know state resources. They have to know that family members have resources as well and we have to provide that information and further that information up. We cannot let those signs of elder abuse stop at the patrol level. Patrol officers have to write a very detailed report and in some cases have to take immediate action to prevent what they determine to be abuse.

Donelan

10:26

Thank you, Chief, good guidance for all of our listeners. And Inspector Higgens, I'll take this down to you. What should law enforcement officers do when they respond to a case that might be elder abuse?

Higgens

10:37

I think the most important piece is to not be afraid to take the time to figure out what's going on with these cases. Elder abuse cases are not typically cut and dried. They are not the kind of cases where you come in as a patrol person, you take a report, you solve the case on scene, you arrest someone, and take that person where they need to go. Oftentimes, these cases require a significant amount of investigation and follow-up, whether it's search warrants, whether it's interviewing a number of people, whether it's getting a medical person involved to evaluate injuries or neglect. So really, I think the most important piece of this is dig in, really engage with the process and recognize that elders are protected for a reason. These are folks who deserve the best work that we have to give. These are our mothers and fathers, our aunts and uncles, and, you know, somebody, hopefully, we'll be in a position to be elders as well. And they deserve to have the best work that we have to offer on cases where they're being put at risk or being taken advantage of.

Donelan

11:49

Absolutely. Could not have ended this conversation any better than that. I want to thank both the Chief and Inspector Higgens for joining us to talk about this critical issue. Chief, how can our listeners find out more about your work?

MacNamara

12:02

Well, they can go to our website at the police department, that's F as in Frank, P as in Peter, D as in David, C-T-dot-com or they can certainly throw me an email and my email address is gmacnamara, G-M-A-C-N-A-M-A-R-A-at-fairfield-C-T-dot-org. [gmacnamara@fairfieldct.org]

Donelan

12:24

Chief, thank you so much. Inspector Higgens, how can our listeners find out more about your work?

Higgens

12:29

Best email address for me, and I'll spell it phonetically, is ahiggens, A as in Adam, H as in Henry, I as in Ida, G as in George, G as in George, E as in Edward, N as in Nora, S as in Sam, at-S-M-C (Sam, Mary, Charles) G-O-V (George, Ocean, Victor) dot-O-R-G. [ahiggens@smcgov.org]

Donelan

12:49

Well, once again, Chief MacNamara of the Fairfield Connecticut Police Department and Inspector Andrea Higgins of the San Mateo County District Attorney's Office, we thank you so much for joining us on *The Beat*.

Voiceover: *The Beat* Exit

13:02

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Voiceover: Disclaimer

14:01

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