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ABUSE OF THE ELDERLY

LAW ENFORCEMENT RESPONSE



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ABUSE OF THE ELDERLY

LAW ENFORCEMENT RESPONSE

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PREFACE

In developing a training curriculum for law enforcement personnel, it is necessary to approach a project of this nature from a multi-disciplinary perspective. Contributions from individuals in areas outside the law enforcement community are critical to the ultimate success of this effort. Therefore, we would like to extend our appreciation to those who have provided support and encouragement to this project.

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Many individuals contributed their thoughts and expertise, however, we would like to especially thank Corporal Suzanne Colbert, Forest Acres Police Department; Lee Pearson, Assistant Manager, Criminal Justice Services, AARP; Mike Antley, South Carolina Criminal Justice Consultant, AARP; and Tom Fort, Director, South Carolina Department of Social Services, Adult Protective Services.

A special thank you goes to Mary Fuller, South Carolina Criminal Justice Academy, who provided the initial framework for this manual and to Pat Watson, Assistant Dean, College of Criminal Justice, University of South Carolina, for her many years of encouragement and support to her students.

We hope that this manual will furnish law enforcement personnel with the knowledge necessary to protect the elderly population whose "golden years" should not be burdened by the spectre of abuse and neglect.

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INTRODUCTION

In the late 1970's, the problem of elder abuse began to surface as a national concern and, by the early 1980's, it had become a national issue through a series of hearings in the United States Congress (Select Committee on Aging, U. S. House of Representatives). This generated a response in many states, including South Carolina, that resulted in legislation addressing adult protective services. While there was universal agreement as to the existence of elder abuse, there still exists a problem in determining its exact nature.

There is no doubt that the population of the United States contains a larger segment of older persons than in the past. In 1982, it was estimated that 16% of the population was 65 and over and this is expected to increase to 17% by 2030, with the fastest growing group being those over 85. However, there is even some disagreement concerning these figures as shown by a recent newspaper article that stated that the over 55 population in the United States will exceed 19% by 2010 and in South Carolina this figure will be 25% (The State Newspaper, July 30, 1990). The American Association of Retired Persons (AARP) has stated that during the 1980's the number of older persons has increased more than twice as fast as the rest of the population.

It becomes obvious, even to the most casual observer, that older Americans will become an important and powerful force in our society. As such, they will be able to bring to the attention of public service agencies their problems and needs. The problems of aging include such things as the expanding costs of health care, the difficulties of funding Social Security, and a greater dependency upon a shrinking population base (those under 55). This in turn could create tension and intergenerational conflict. One of the manifestations of this conflict could be an increase in elder abuse of varying dimensions.

The increasing elderly population will have many implications in the law enforcement field. One significant impact will be an increase in the contacts between law enforcement personnel and older persons making it necessary for police officers, and other law enforcement officials, to be able to communicate clearly and effectively with these individuals. Understanding some general principles regarding the process of aging will help foster better communication. There is also a need to dispel the myth that declining physical and mental capabilities do not begin automatically at age 65. Aging is a lifelong physical and psychological process, and stereotypes of the elderly being "inactive", "immobile", and "senile" are often inaccurate.

Because law enforcement is the only public service agency open 24 hours a day, seven days a week, and easily accessible by every citizen, it is obvious that elder abuse will become an increasing concern. Therefore, this manual will present those basic issues that will hopefully increase law enforcement's understanding of this problem and their role in correctly assessing and intervening in this type of domestic violence. Elder abuse joins spouse abuse and child abuse as an equal concern of those of us who are first-responders to domestic violence incidents.

THE PROBLEM OF ELDER ABUSE

Before discussing the data related to the increasing problem of elder abuse, it is important to arrive at some commonly accepted definitions of what constitutes abuse and neglect relative to this population group. The research available in the field of elder abuse develops several typologies for categorizing abuse/neglect. However, for the purposes of law enforcement the following offers the best available definitions of abuse and neglect:

Physical Abuse:

the infliction of physical pain or injury (e.g. slapped, bruised, sexually molested, cut, burned, physically restrained, etc.).

Psychological Abuse:

the infliction of mental anguish (e.g. called names, treated as a child, frightened, humiliated, intimidated, threatened, isolated, etc.).

Material Abuse:

the illegal or improper exploitation and/or use of funds or other resources.

Active Neglect:

refusal or failure to fulfill a caretaking obligation, including a **conscious and intentional** attempt to inflict physical or emotional stress (e.g. deliberate abandonment or deliberate denial of food or health-related services).

Passive Neglect:

refusal or failure to fulfill a caretaking obligation, **excluding** conscious and intentional attempts to inflict physical or emotional distress (e.g. neglect due to inadequate knowledge, laziness, infirmity, or disrupting the value of prescribed services).

Of the above categories, passive neglect and psychological abuse appear to be the most common. However, another form of neglect not defined above is self-neglect. While the same results may be encountered, this is a case of the elderly person attempting to maintain an independent lifestyle without the ability to do so. In a recent report released by the Florida Department of Health and Rehabilitative Services, it was found that this was their most common type of elder abuse/neglect. Self-neglect is a problem that may be encountered more often by law enforcement than any other type. Other than bringing it to the attention of the Department of Social Services and possibly effecting an Emergency Protective Custody (EPC) under the provisions of South Carolina Code 23-1-220, there is little that can be accomplished by law enforcement in these instances.

Solid data regarding the level of elder abuse in the United States is difficult to come by given the low reporting level. However, a review of several sources, including a report released in 1988 by the American Medical Association, has produced a brief national profile of the problem:

- * Elder abuse exists with a frequency and rate only slightly less than child abuse.
- * It is estimated that 7% of the older population is abused (approximately one million individuals).
- * As many as one in 10 Americans over 65 may suffer from some type of abuse.
- * Most elder abuse victims are incapacitated to a degree, which means they are at least partially dependent upon someone else for care.
- * One in 25 will likely be the victim of moderate to severe abuse at the hands of their children and others expected to care for them.
- * Only 1 out of 6 cases of elder abuse is reported.
- * In 63% of reported abuse cases, stress is a factor.

In South Carolina, the following statistics were reported for 1986-87 by the state Department of Social Services:

- * 3,072 cases of elder abuse were reported.
- * 80% of the cases involved neglect, with 64% of the victims over age 65, and 67% of the victims were women.
- * 42% of the victims lived with their family.
- * 78% of the cases were for neglect, 12% for exploitation, and 10% for abuse.
- * 99% of the elder abuse cases in the state are resolved out of court. Those few cases that have been prosecuted (since the passage of the Adult Protective Services law in 1974) took place in an institutional setting.

Despite the increased reporting and attention, elder abuse is still largely a hidden problem. While there are varied explanations for this "invisibility", the five most prominent are:

1. The family is sacrosanct and interference with the family life by outsiders is not tolerated.
2. Because abuse occurs within the confines of a private dwelling, it is hidden from outside scrutiny. Unlike the circumstances of small children, there are no requirements or imperatives for elderly people which necessitate them leaving their dwellings and, thus, being seen by non-family members.
3. The elderly are reluctant to report abuse by relatives because they fear reprisals, are ashamed or embarrassed, fear institutionalization, or believe they are the cause of the problem.

4. Elder abuse may go undetected because of the failure of professionals to recognize cues of willful abuse and neglect. Explanations for bruises, abrasions, contusions, and malnutrition are related to the impairments of old age (such as lack of balance, dizziness, and poor memory) and are accepted without question.

5. Failure of professionals to report the problem, even in states having mandatory reporting legislation (Kosberg, 1988).

There are a number of theories behind elder abuse, neglect and exploitation. These are similar to the generally accepted definitions of abuse, neglect, and exploitation, and are not mutually exclusive. Generally, there are four theories:

The Exchange Theory: This theory states that human relationships must be reciprocal; when the power in a relationship is unbalanced, the strong individual will continue to take advantage of the weak individual. If the weak person does not do anything to gain power back, the stronger person will continue to take advantage of the weaker person as long as it is beneficial to him.

More simply stated, people abuse family members because they can (Gelles, 1979). If there are no consequences for abuse, then the perpetrator will continue to abuse the victim.

Cycle of Violence Theory: This theory, developed by Lenore Walker, contends that there is a repetitive cycle, consisting of three phases:

1) tension-building. This phase can last for an indeterminate amount of time, but eventually leads to the next phase.

2) acute battering incident. This phase will contain the actual abusive behavior.

3) honeymoon phase. This is a period of contrition, apologies, and remorse.

The third phase leads back to the first and the cycle continues. The pattern is reinforced by both the abuser and the victim and their strong emotional ties to each other. Each honeymoon phase gives hope the cycle will end, but that is not possible until one person is removed from the scenario and the cycle is permanently broken. The more times the cycle is completed, the less time it takes to complete and the violence usually increases in severity.

Learned Helplessness Theory: Closely associated with the Exchange Theory, this theory was developed by Martin Seligman and adopted by Lenore Walker. According to this theory, the "victim" feels he has lost control over his life and safety. The victim perceives himself as being powerless and therefore becomes passive and more dependent. This makes him susceptible to acts of abuse. Helplessness also can be unlearned, however, and the victim can regain the ability to make decisions and protect himself.

The Continuum of Violence: This theory contains parts of each of the previously mentioned theories. Relationships which contain violence will continue to become more violent over time. Unless there is early intervention, the violence moves up the continuum until death occurs and removes either the victim or the perpetrator from the relationship. The end of the continuum marks the complete disappearance of the honeymoon phase referred to in the Cycle of Violence Theory.

Because of the family dynamics involved in elder abuse, it is often difficult for law enforcement, as well as other professionals in this area, to correctly assess a possible elder abuse case. Therefore, it becomes imperative that law enforcement become aware of the indicators that may disclose this type of abuse. It is also important that law enforcement understand who is most likely to be at risk and who is most likely to resort to abuse.

PROFILE OF THE ABUSED

Current research in the area of elder abuse has generated a great deal of literature outlining some of the characteristics that are exhibited by both the abused and the abuser. The existence of these characteristics, while not necessarily a guarantee, may indicate the actuality of abuse. They do serve, however, as a frame of reference for the law enforcement officer when confronted with a situation where there is a possible case of elder abuse.

No single group of elderly persons is immune to the possibility of abusive behavior. However, based on the experiences of service providers and research findings, the following characteristics of some older persons appeared to make them more vulnerable to elder abuse. (The typology presented below was developed in an excellent article by Jordan I. Kosberg, PhD, Dept. of Gerontology, University of South Florida).

1. **Female.** There are more abused older women simply because there are more older women than older men. The graph below, which depicts life expectancy by race and sex, clearly shows that women, both white and black, are expected to live longer than men (Quinn and Tomita, 1986). Older women are also less likely to resist abusive behavior and are more vulnerable to sexual molestation.

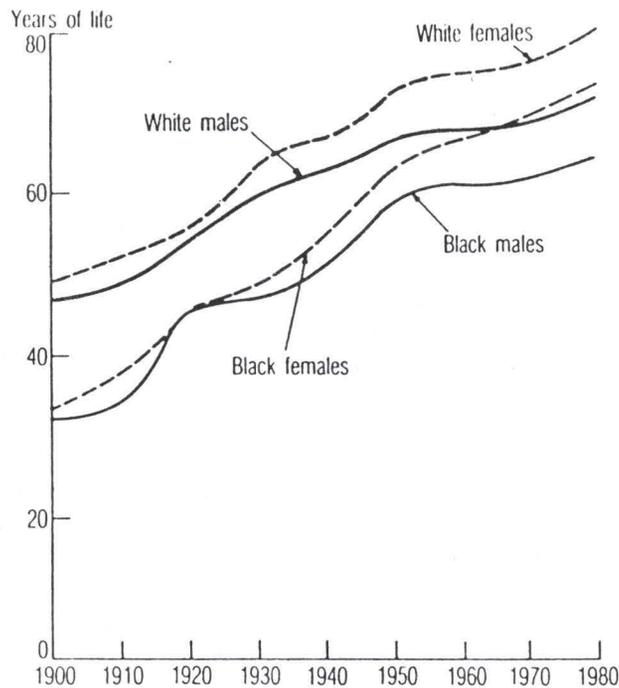


FIGURE 1-1 Expectation of life at birth, by race and sex: 1900–1980. (Source: National Center for Health Statistics, Vital Statistics Division, U.S. Department of Commerce, Bureau of the Census, *Historical Statistics of the United States*, 1975, and National Center for Health Statistics, *Monthly Vital Statistics*, Vol. 29, No. 13, September 1981, as it appears in U.S. Bureau of the Census, Current Population Reports, Series P-23, No. 128, *America in Transition: An Aging Society*, U.S. Government Printing Office, Washington, D.C., 1983, p. 5.)

2. **Advanced age.** Physical and mental impairments and an inability to resist adversities are associated with a person as their age increases.

3. **Dependent.** Older persons who are dependent upon others for their care are more vulnerable. Economic dependency can result in growing hostility by the caregiver and lead to abuse.

4. **Problem drinker.** An older person who is an alcoholic or a problem drinker is susceptible to abusive behavior because of an inability to care or fend for themselves. Additionally, an older problem drinker may live with an alcoholic

spouse or adult child, either of whom may be the abuser (U.S. Congress, House Select Committee on Aging, 1981).

5. **Intergenerational conflict.** Problems between a parent and adult do not decrease with the passage of time. Instead, they may become more intensified by an increasing dependency on the adult child by the parent.

6. **Internalizes blame.** An older person who engages in self-blame may be especially vulnerable to elder abuse through self-deprecating behavior and failure to acknowledge that abuse is the fault of the abuser (Quinn and Tomita).

7. **Excessive loyalty.** An older person who has a strong sense of loyalty to an abusive caregiver (whether a relative or not) will probably not seek to report the problem (Quinn and Tomita).

8. **Past abuse.** Older persons who have been victims of abusive behavior by family in the past are good candidates for similar treatment when they display increasing impairments and dependency.

9. **Stoicism.** Some persons accept their troubles without seeking relief possibly due to a personality trait or based on a philosophy of tolerance, resignation, or understanding. This can be used by the abuser for their benefit and protection (Lau and Kosberg, 1979).

10. **Isolation.** Very often, due to physical impairments, it becomes very easy for the older person to become physically and socially isolated from contact with others besides the caregiver. This makes detection and intervention very difficult.

11. **Impairment.** The extent and severity of the older person's physical or mental impairments has been associated with elder abuse. Greater demands and responsibilities for the caregiver can result in increased levels of stress and frustration and in turn lead to abuse of the dependent elder.

12. **Provocative behavior.** Some elderly, like individuals in other groups, can sometimes be overly-demanding, ungrateful, ingratiating, and generally unpleasant.

Such older persons who are also impaired and dependent can aggravate already stressed and overburdened caregivers, increasing the likelihood of abusive retaliation.

One or several of the above factors could be present in an abuse case. Because each abusive situation has its own set of dynamics, the law enforcement officer should treat each case individually with the above serving only as a guide to help recognize the possibly abused person.

PROFILE OF THE ABUSER

It is commonly assumed that, with the exception of institutional abuse, the abuser will be one that is either a family member or caregiver residing with the abused individual. In a study by Randy Thomas of 66 suspected abuse cases during a six month period in 1989 in Richland County, South Carolina, it was found that 53% of the suspected victims lived with relatives, 17% lived with other caregivers, and 30% lived alone. This supports the contention that the greatest risk for the elderly comes from those with whom they live.

In an attempt to provide the law enforcement officer with some clues regarding those most likely to abuse elderly persons, listed below are characteristics for high risk abusers. Although not necessarily predictive of abusive behavior, these characteristics defined by Jordan I. Kosberg, PhD, may be used as guidelines for identifying possible perpetrators of elderly abuse.

High Risk Caregivers:

1. **Problem drinker.** Under the influence of alcohol, a problem drinker is capable of acting out negative feelings.

2. **Medication or drug abuser.** Substance abuse can result in distorted judgements and perceptions and the abuser may be unaware of the consequences of poor care.

3. **Senile dementia or confusion.** Caregivers who are themselves psychologically impaired, cannot provide needed care and do not understand the consequences of poor care or treatment.

4. **Mental or emotional illness.** A caregiver with emotional problems is a risky individual to care for a dependent and frail older person.

5. **Caregiving inexperience.** An individual who does not have experience caring for the needs of others should not be assumed to be a good caregiver, even if they are close to the person for whom they will care. Often, because of this inexperience, the caregivers do not fully realize what is totally involved and may be ineffective or hostile in their role of caring for a dependent elderly person.

6. **Economically troubled.** Frustrations of unemployment of been found to be related to abuse of a family member. The caregiver should also be considered a high risk if they view the dependent older person as a drain on limited financial resources.

7. **Abused as a child.** Adult children who were abused are potential elder abusers as a consequence of deliberate retaliation, learned behavior, or unconscious hostility. Also, spouse abusers may be maltreated by resentful adult children or the abused spouse who has now assumed the role as caregiver for the dependent and formerly abusive individual.

8. **Stressed.** Individuals who must deal with emotional, social, professional, or economic stresses may become depressed, frustrated, or distraught. Because this stress may be an antecedent of abuse, it is questionable whether an older person should be placed in the care of a stressed individual.

9. **Unengaged outside the home.** A caregiver who does not have contacts such as family, friends, co-workers, organizations, or associations, may be isolated from others with whom they can discuss caregiving problems and receive support, emotional or otherwise.

10. **Blamer.** Anger may be directed toward an older person whom the caregiver blames for problems related to the pressures and burdens of providing care.

11. **Unsympathetic.** A person who is unsympathetic to the needs of others may be callous and unable to care for dependent elderly persons.

12. **Lacks understanding.** It is important that the caregiver fully understands the physical and emotional problems of the elderly person and their consequences. Otherwise, this lack of understanding may be translated into inappropriate care.

13. **Unrealistic expectations.** If the caregiver holds unrealistic expectations regarding the condition of an older person, the prognosis for change, and the care which will be needed, they may become disillusioned, angry or frustrated and, possibly abusive.

14. **Economically dependent.** In some cases the caregiver may be economically dependent upon the older individual. The caregiver's reactions to this dependency may lead to abusive behavior resulting from greed, anger or resentment.

15. **Hypercritical.** Individuals who are quite critical of others and become impatient easily are not good candidates as caregivers for ill and dependent elderly persons.

Another aspect which can contribute to elder abuse is the family system. Families range in size and complexity and circumstances within the family system should also be assessed in evaluating their effects on elder abuse. The following characteristics may prove helpful to law enforcement to further understand the dimensions of elder abuse.

High Risk Family Systems:

1. **Lack of family support.** Without other relatives available to assist in the care of an elder family member, or to provide periodic respite, the total burden of responsibility is placed on the shoulders of the caregiver. These unrelenting and

constant demands may overload the caregiver and result in abusive or ineffective care.

2. **Caregiver reluctance.** Reluctance or hesitancy to provide care for an older person can possibly predict poor care.

3. **Overcrowding.** Overcrowding and lack of privacy have been found to lead to family conflict which could result in anger toward the older person who is seen as the cause of the inconvenience.

4. **Isolation.** Although isolation itself is not a cause of abusive behavior, a lack of interaction with others by the family places the vulnerable older person in an invisible position and abusive behavior may go undetected and unabated.

5. **Marital conflict.** The stress and anger from marital problems may spill over and result in the abuse of an older relative, especially a mother- or father-in-law.

6. **Economic pressures.** Families already faced with economic problems may resent having to care for an older relative. Plus, care may necessitate that one of the wage earners quit work to care for the older person. Therefore, the economic problems intensify and result in resentment and hostility.

7. **Intra-family problems.** Some families already have problems (such as an alcoholic father or a withdrawn or acting out adolescent).

8. **Desire for institutionalization.** When the family seeks institutionalization rather than care within their home, the situation should be carefully assessed before pushing for family care. The family may already be overburdened or there may have been past intergenerational conflict which may result in abusive situations. The family's commitment to care for elderly relatives should be voluntary and without pressure.

9. Disharmony in shared responsibility. It has been suggested that disharmony between family caregivers can increase the stress on the major caregiver of an elderly person.

Many of the characteristics cited above lead to passive rather than active neglect, and a number of them would be difficult to detect by a law enforcement officer. However, by asking a few simple questions, many of these indicators are readily detectable and should lead to further investigation. If one were to seek a generalization that might characterize the abuser, it would be of an individual who would more than likely have a history of mental illness and alcohol abuse, and be financially dependent on the victim.

LEGAL ASPECTS OF ELDER ABUSE

When considering the legal aspects of elder abuse, a law enforcement officer must become aware of specific provisions of the South Carolina Code which deal with incapacitated persons, a category that can include abused elders. The two statutes (shown below) of which the officer must be aware, are found in Title 43, South Carolina Code of Laws. These statutes can be used for criminal prosecution in cases of elder abuse and neglect. However, it should be pointed out that the maximum penalty for this charge is only five years. In serious cases of abuse, the more appropriate charges might be Assault and Battery of a High and Aggravated Nature (ABHAN), Assault and Battery with Intent to Kill (ABWIK), or Criminal Sexual Conduct (CSC) First, Second, or Third.

43-29-40. Unlawful abuse or neglect of certain incapacitated persons; initiation of charges.

It shall be unlawful for any person to abuse, neglect or exploit and senile, mentally ill, developmentally disabled or mentally retarded person or any person who is incapable of caring for or managing his affairs. This shall not apply to altercations or acts of assault between persons protected by this section.

Charges of such abuse, neglect or exploitation may be initiated upon complaints of private individuals or as a result of investigations by any state agency or public official or on the direct initiative of a county solicitor or law enforcement official.

43-29-41. Penalties for abuse.

Notwithstanding the provisions of 43-29-100, any person who violates the provisions of 43-29-40 shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than five hundred dollars nor more than five thousand dollars or be imprisoned for not less than ninety days or more than five years.

Each elder abuse case should be evaluated with the intention of charging the suspect with the highest possible offenses under South Carolina Code.

Law enforcement officers should also be aware of the provisions of section 43-29-42 (shown below) mandating reporting of suspected abuse cases.

43-29-42. Penalties for failure to report abuse.

Notwithstanding the provisions of 43-29-100, any person who fails to report alleged abuse or maltreatment of persons protected by 43-29-40 shall be charged as an accessory after the fact and shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars or more than one thousand dollars or be imprisoned for not more than six months.

When detecting a suspected neglectful or abusive situation, the officer should also be aware of the provisions of section 23-1-220, South Carolina Code of Laws. This section allows any state, county, or municipal law enforcement officer to take into emergency protective custody (EPC) any adult who is not capable of taking care of themselves or who is in a life-threatening situation. The standard applied in these cases would parallel those found in child abuse EPC situations.

Section 23-1-220 covers an "adult in a life-threatening situation" who is over nineteen and is covered by Chapter 29 of Title 43 (someone who is developmentally disabled, senile or incapable of taking care of themselves). This code section allows law enforcement to take these individuals into protective custody if:

- 1) There is probable cause to believe that by reason of abuse or neglect there exists an imminent danger to the adult's life or physical safety;

- 2) Anyone else exercising temporary or permanent custody or control over the adult is unavailable or does not consent to the removal of the adult from his custody or control; and
- 3) There is not time to apply for a court order.

Upon taking an adult into EPC, the law enforcement officer must notify the local Department of Social Services. While this section requires that a court hearing be held within 72 hours, excluding Sundays and legal holidays, it is uncommon for the law enforcement officer to be required to appear at this hearing. It should always be stressed that a complete and accurate report be initiated documenting the probable cause for the EPC.

The South Carolina Code provisions addressing Criminal Domestic Violence (16-25-10 through 16-25-80) and obtaining Orders of Protection (20-4-10 through 20-4-130) can apply to incidences of elder abuse. However, a careful appraisal must be made regarding the relationship between victim and suspect so that the case meets the legal requirements outlined in the code. Every case of elder abuse should be evaluated and where these provisions apply, the officer should make this known to the victim and other interested parties (such as DSS).

**LAW ENFORCEMENT RESPONSE
TO ELDER ABUSE**

LAW ENFORCEMENT RESPONSE TO ELDER ABUSE

Even the most cursory glance at the information presented thus far provides the reader with an appreciation of the complex problem of elder abuse. As in most cases where law enforcement is called upon to assess a difficult situation, they will be dealing with less than complete information. The major thrust of this manual is to provide the first responder, and to some degree an investigator, with basic information that would cue him to the possible existence of elder abuse or neglect.

Proper communications skills can help a law enforcement officer determine whether or not a case of abuse, neglect, or exploitation exists or whether the domestic situation makes the elderly person vulnerable to such possibilities. The officer can then determine the most appropriate course of action, whether it be referral to a community agency or further police action.

There are physical changes in vision and hearing associated with aging that law enforcement officers should be aware of while interviewing older persons.

VISION: About three-fourths of older women and over half of all older men experience moderate to severe changes in visual functions. These visual functions tend to decline because of changes in the structure of the eye, diseases, and injuries. Changes may affect the ability to see details, distinguish colors, focus at varying distances, and adjust to different light levels. Indications of vision problems would include the older person not seeming to make eye contact, looking confused, or squinting.

When an officer is assisting an older person who seems to be farsighted or nearsighted, the officer should make sure that objects, including himself, are placed so that the older person can see them clearly (generally three to six feet from the

person). Avoiding quick shifts from one object to another is also desirable because many older persons may have problems focusing from one object to another.

HEARING: Our ability to hear impacts our ability to understand the speech of others and to monitor our voices. Depending on the severity of the hearing loss, an older person's ability to communicate can be severely affected.

Minor hearing loss may allow a person to hear only certain sounds or words. This may cause the older person to misunderstand a speaker. To correct this, it is necessary for the speaker to speak more loudly and clearly. Also, the inability to distinguish sounds and clearly understand words can lead to frustrations, anxiety, embarrassment, and withdrawal. This only adds to the social and emotional isolation the victim of abuse may already be experiencing, and thus prevents the person from reporting the abuse.

An officer can communicate more effectively with a hearing-impaired person if he follows these suggestions:

1. Reinforce and rephrase

- Rephrase in short, simple sentences.

- Repeat meaning, using different words.

- Use gestures to reinforce meaning.

2. Gain attention

- An officer should wait until he is visible before speaking.

- Attract an older person's attention by facing him in the eyes or touching him lightly on the shoulder.

- Good lighting on the officer's face will help the elderly person make eye contact.

3. Positioning

- The best distance when speaking to an older person is three to six feet.

4. Speaking

- A low-pitched voice is easier to hear.
- Do not vary volume in a sentence.
- Shouting may cause hearing distortion.
- Speak at a moderate pace, but when changing subjects, speak more slowly.

5. Control noise.

- Background noise can distort conversation.

6. Encourage participation.

- Encourage the older person to respond to your questions and participate in the conversation. Give the older person enough time to respond.

Abuse, neglect, and exploitation that occurs within a family setting often goes undetected due to a number of factors:

1. Most abusive/neglectful families are very isolated, socially and emotionally. They let few people into their homes and generally do not participate with groups in the community.
2. The victim may not be seen on a regular basis by a medical professional, due to the family's isolation and neglect of the elder.
3. Professionals may come into contact with victims, but due to their unawareness of the signs and effects of abuse, the situation goes unreported and is therefore not dealt with.
4. Medical circumstances of an elderly person may be used to explain physical abuse. Injuries may be blamed on brittle bones, medicinal effects, reduced motor skills, and poor balance.

The best source of information is usually the victim. However, the victim may refuse to report abuse for a number of reasons:

1. Fear of losing love and care of the abuser (who most likely is a son, daughter, or spouse).
2. Fear of retaliation.
3. Fear of being sent to a nursing home.
4. Fear that adverse legal actions will be taken against the abuser.
5. Shame, guilt, and embarrassment ("I did something to deserve this").
6. Pride in the family and wanting to avoid bringing shame to the family.
7. Keeping family matters within the family.
8. Being bed- or house-bound and totally dependent on the abuser.
9. Being confused or suffering from dementia.
10. Fear that law enforcement will not be able to stop the abuse.
11. Fear of dealing with law enforcement and the courts.
12. Fear that admitting the abuse to an outsider will not bring needed help and services.
13. Not realizing that the abuse or neglect is abnormal.
14. Feeling that suffering on earth will be answered with happiness after death.
15. No access to an outsider to whom one can report the abuse, neglect, or exploitation.
16. Hoping that the abuse will stop and life will get better.

Before discussing some of the basic techniques of assessing and documenting a potential/suspected abuse or neglect case, it would be beneficial to be exposed to some of the indicators of elder abuse. Neglect is a much more difficult situation to assess without a complete and thorough examination of the victim and their

environmental circumstances. Therefore, the indicators listed only deal with abusive behavior.

Physical:

- * bruises, welts, lacerations, punctures, fractures, burns
- * signs of hair pulling, e.g. hemorrhaging below scalp
- * unexplained venereal disease or other unexplained genital infections
- * signs of physical confinement, e.g. rope burns
- * malnutrition and/or dehydration, e.g. dry skin, sunken eyes, loss of weight
- * soiled clothing or bed linens
- * hyperthermia or hypothermia
- * signs of excess drugging, lack of medication, or other misuse
- * absence of eyeglasses, hearing aids, dentures or other prostheses
- * unexpected or unexplained deterioration of health
- * decubitus ulcers (pressure sores)

Psychological:

- * insomnia, sleep deprivation, or need
- * change in appetite
- * unusual weight gain or loss
- * tearfulness
- * unexplained paranoia
- * low self-acceptance
- * excessive fears
- * ambivalence
- * confusion
- * resignation
- * agitation

Financial:

- * unexplained or sudden inability to pay bills
- * unexplained or sudden withdrawal of money from accounts
- * disparity between assets and satisfactory living conditions
- * lack of receptivity by older person or relative to any necessary assistance requiring expenditure, when finances are not a problem
- * extraordinary interest by family member in older person's assets

It must be pointed out that these are simply indicators of possible abuse cases. They in no way guarantee the existence of abuse, but should lead to further investigation and reporting.

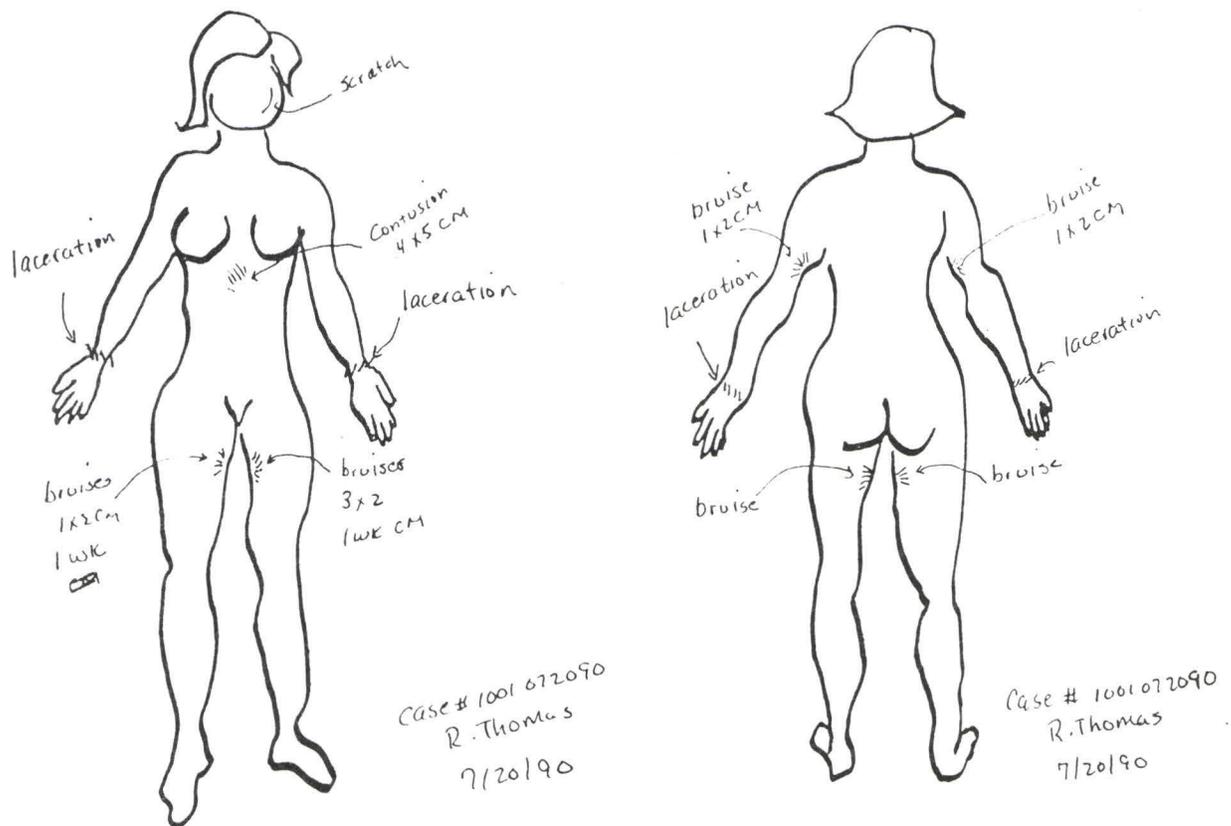
Physical abuse may be the easiest to detect. While it is understood that elderly individuals are more injury-prone, or may suffer from limiting disabilities, the existence of certain types of injuries may be indicative of suspected abuse. Such things as bruises, particularly soft tissue, that appear in places least likely to be explained by accidental injury (backs of legs, upper arm, facial, and genital area) should lead to further investigation. It is important that the officer either acquires the basic ability to age date bruises or have access to experts in this area. Additional injuries such as scratches, cuts, and burns (particularly rope burns in the areas of the ankles, wrists, or under the armpits) would also be included in this category.

Psychological abuse is extremely difficult to determine in a first response situation. The ability to talk to the possible victim looking for some of the indicators stated above may be the only method available to the law enforcement officer.

Financial abuse generally would only be discovered through extensive conversation with the suspected victim or someone outside the home environment

providing the initial information. This type of abuse would require extensive investigation by law enforcement and access to financial records; an investigation that might be beyond the scope of most law enforcement agencies.

Taking the easiest form of abuse to detect, physical abuse, let us discuss some of the actions that can be taken by the first responder (law enforcement). When encountering injuries that would be indicative of some type of physical abuse, the officer must make every effort to document what he sees. This can take the form of photographs, medical examination, or injury diagrams as shown in the illustration below.



It is imperative that the officer be able to initiate a complete investigation parallel to the one he might do on any serious assault incident. If the situation dictates (life-threatening), the officer may initiate an EPC, have the victim transported to the hospital and request a thorough physical examination. Where an EPC is not appropriate, the officer may be forced to rely upon the Department of Social Services (DSS) for any follow-up medical examination.

When interviewing the victim, the officer will sometimes encounter a situation where the mental status is a critical factor. The use of the Dementia Scale (refer to Appendix) will assist the officer in determining the ability of the victim to give a complete and accurate statement regarding a suspected abuse incident or series of incidents. If the officer is unable to deal with the victim in a clear and rational manner, expert assistance may be needed.

In many cases, the officer will be faced with a situation where the only action he may be able to take at the time he suspects abuse/neglect is to initiate an incident report and refer the case to DSS.

In suspected cases of neglect, such indicators as malnourishment or dehydration may pose a life-threatening situation. In these cases, EPC would be appropriate. If environmental factors, such as lack of food, no electricity, no heat, filthy living conditions, soiled clothes or bed linens, are present, then documentation through photographs may be the best approach.

Self-neglect is often reported to law enforcement by relatives, friends, or neighbors. This is the most difficult situation because it involves no possible violations of the criminal code. If it is a life-threatening situation, the officer may initiate an EPC. However, if this factor is not present then the only alternative is to make a prompt report to DSS for further action.

It is recognized that elder abuse is an extremely difficult situation to discover, correctly assess, and investigate. It is hoped that this information will assist the officer to at least be able to detect possibly abusive situations.

As a final note, law enforcement is often called to what has been termed a "natural" death occurring in the home. In most cases, these are elderly people who have died from long term illness. However, it should be pointed out that if one in ten elderly persons are abused, then every incident of this nature should receive at least minimum investigation as a possible abuse or neglect situation. This is an extremely sensitive situation and should be handled with the greatest of care.

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DEMENTIA SCALE*

1. What is the name of this place?
2. Where is it located (address)?
3. What is today's date?
4. What is the month now?
5. What is the year?
6. How old are you?
7. When were you born (month)?
8. When were you born (year)?
9. Who is the president of the United States?
10. Who was the president before him?

Poor = 0-2

Fair = 3-7

Good = 8-10

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